DOCUMENT RESUME

ED 097 167 RC 008 175

AUTHOR	Steiner, Frank, Comp.; And Others
TITLE	Bilingual/Bicultural Education--A Privilege or a Right? Education Bilingue/Bicultural--Un Privilegio o un Derecho?
INSTITUTION	Illinois State Advisory Committee to the U.S. Commission on Civil Rights, Springfield.
SPONS AGENCY	Commission on Civil Rights, Washington, D.C.
PUB DATE	May 74
NOTE	124p.
EDRS PRICE	MF-$0.75 HC-$5.40 PLUS POSTAGE
DESCRIPTORS	*Advisory Committees; Biculturalism; *Bilingual Education; *Educational Assessment; Educational Legislation; Enrollment; Manpower Development; Mexican Americans; Puerto Ricans; *Spanish Speaking; State Federal Aid; *Urban Youth
IDENTIFIERS	Chicago; *Illinois

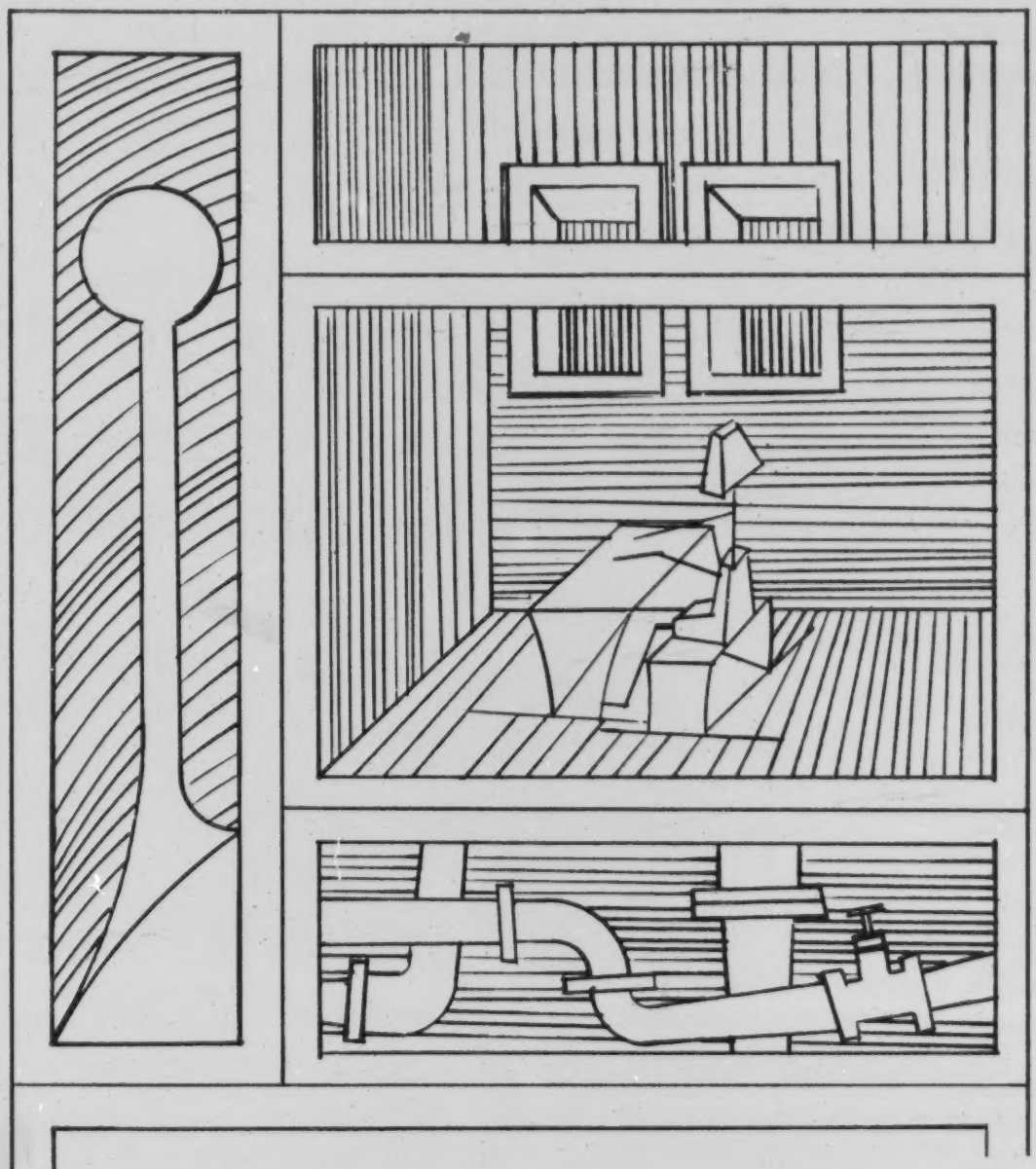
ABSTRACT

Prepared by the Illinois State Advisory Committee for submission to the U.S. Commission on Civil Rights, this report focused on the growing concern among Latino parents, students, and community leaders over alleged violations of Latino students' rights to an education in Chicago, the only city in the United States with a large population of both Mexican Americans and Puerto Ricans. Two general assumptions contributed to the focus on education: (1) the total development of the Latino community depends on the kind of educational opportunities available; and (2) more Latinos are directly affected by the educational system than by any other public institution since 75 percent of Latino families have children. Information was gathered from a variety of sources. Topics covered included enrollment, teachers, administrators, educational policy and practice, funding and the law, and the need for institutional change. Some findings were: (1) a pluralistic education program does not yet exist in Chicago's public schools, thus resulting in the systematic denial of these students' rights to an education; (2) the alienation of students, parents, and Latino community leaders from educational institutions is increasing; and (3) cultural and linguistic bias in testing and placement underestimates Latino students' abilities. (NQ)

RC008175 — ED097167 rec 01-11-74

BILINGUAL/BICULTURAL EDUCATION —A PRIVILEGE OR A RIGHT?

BEST COPY AVAILABLE



A Report of the Illinois State Advisory Committee to the United States Commission on Civil Rights. Prepared for the Information and consideration of the Commission.

May 1974

U S DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION
THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY

ED097167
EDUCACION BILINGUE/BICULTURAL —UN PRIVILEGIO O UN DERECHO?
RC008175

ATTRIBUTION

The findings and recommendations contained in this report are those of the Illinois State Advisory Committee to the United States Commission on Civil Rights and, as such, are not attributable to the Commission.

This report has been prepared by the State Advisory Committee for submission to the Commission, and will be considered by the Commission in formulating its recommendations to the President and the Congress.

Prior to the publication of a report, the State Advisory Committee affords to all individuals or organizations that may be defamed, degraded, or incriminated by any material contained in the report an opportunity to respond in writing to such material. All responses received have been incorporated, appended or otherwise reflected in the publication.

ILLINOIS STATE ADVISORY COMMITTEE

to the

UNITED STATES COMMISSION ON CIVIL RIGHTS

John L. McKnight Evanston	CHAIRMAN
Robert Marks Evanston	VICE CHAIRMAN
Preston E. Ewing Cairo	SECRETARY

Philip Ayala Chicago	Ralph Dickerson Alton
Edward Beis Chicago	Sylvia H. Fox Chicago
Phyllis Bere Chicago	Iona Hendricks Galesburg
Vernell Burris Centralia	Robert Lansden Cairo
Patrick Crowley Chicago	Louis Schwartz Springfield
Rev. Reuben Cruz Chicago	Cornelius Toole Chicago
Theresa Cummings Springfield	John Waltz Chicago

PREFACE

The United States Commission on Civil Rights, created by the Civil Rights Act of 1957, is an independent, bipartisan agency of the executive branch of the Federal Government. By the terms of the Act, as amended, the Commission is charged with the following duties pertaining to denials of the equal protection of the laws based on race, color, sex, religion, or national origin: investigation of individual discriminatory denials of the right to vote; study of legal developments with respect to denials of the equal protection of the law; appraisal of the laws and policies of the United States with respect to denials of equal protection of the law; maintenance of a national clearinghouse for information respecting denials of equal protection of the law; and investigation of patterns or practices of fraud or discrimination in the conduct of Federal elections. The Commission is also required to submit reports to the President and the Congress at such times as the Commission, the Congress, or the President shall deem desirable.

The State Advisory Committees

An Advisory Committee to the United States Commission on Civil Rights has been established in each of the 50 States and the District of Columbia pursuant to section 105(c) of the Civil Rights Act of 1957 as amended. The Committees are made up of responsible persons who serve without compensation. Their functions under their mandate from the Commission are to: advise the Commission of all relevant information concerning their respective States on matters within the jurisdiction of the Commission; advise the Commission on matters of mutual concern in the preparation of reports of the Commission to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the State Committee; initiate and forward advice and recommendations to the Commission upon matters in which the Commission shall request the assistance of the State Committee; and attend, as observers, any open hearing or conference which the Commission may hold within the State.

Recommendations to the United States Commission on Civil Rights

This report has been prepared for submission to the United States Commission on Civil Rights by the Illinois State Advisory Committee. The conclusions and recommendations in this report are those of the Advisory Committee and are based upon the Committee's evaluation of information received at open meetings in Chicago, October 27-28, 1972, and on staff and Committee investigations preparatory thereto. This report has been received by the Commission and will be considered by it in making its reports and recommendations to the President and the Congress.

ACKNOWLEDGEMENTS

This report was prepared as a principal staff assignment of Frank Steiner, with the assistance of Valeska S. Hinton, Carmelo Melendez, Margaret Johnson, Delores Miller, Ada Williams, Sandra Middleton (student intern), Duane Lindstrom, and Ramiro Borja, consultant to the Illinois State Advisory Committee.

The Advisory Committee is also indebted to Alma Scurlock and Sheri Levine from the Data Branch, Office For Civil Rights of the Department of Health, Education, and Welfare for unpublished data on Latino enrollment in federally assisted institutions of higher learning in Illinois.

The cover design was prepared by the Reverend Ruben Cruz, a member of the Illinois State Advisory Committee.

This report was prepared under the overall supervision of Clark G. Roberts, Regional Director, Midwestern Regional Office.

TABLE OF CONTENTS

	PAGE
PREFACE	iii
BACKGROUND	1
I. LATINO REPRESENTATION IN CHICAGO PUBLIC SCHOOLS	4
Enrollment	6
Teachers	11
Administrators	12
II. EDUCATIONAL POLICY AND PRACTICE	17
Latino Cultural Factors	20
Latinos Entering School: "The Testing Process"	27
Language Ability	40
Achievement Scores	42
Bilingual-Bicultural Programs	46
Disciplinary Process	48
Communication and Decision-Making	51
Latino College Enrollment	55
III. MONEY AND THE LAW	58
Funding: Local, State, and Federal	58
Local Per Capita Spending	58
State Bilingual Funds	61
Federal Bilingual Funds	62
State of the Law	64
Rulings of the Court	68
IV. THE NEED FOR INSTITUTIONAL CHANGE	72
Local "Principal Power"	73
Local Teacher Certification	76
Public Accountability	77
V. SUMMARY AND CONCLUSIONS	80
VI. FINDINGS AND RECOMMENDATIONS	83
APPENDIX A: Special Education Data Summarized by Racial Group	92
APPENDIX B: Correspondence with Board of Examiner, Chicago Board of Education	95

PAGE

APPENDIX C: Correspondence with Bureau of Teacher Personnel, Chicago Board of Education..... 102

APPENDIX D: Correspondence with Department of Health, Education and Welfare, Office of Civil Rights, Region V.... 110

APPENDIX E: Illinois Regulations for Review of Special Education Placements..... 113

LIST OF EXHIBITS

		PAGE
I.	Chicago Public Schools: Summary of Student Racial Surveys, 1971-74.....	7
II.	Latinos in Chicago and Board of Education Administrative Areas.....	8
III.	Districts With Sizeable Latino Student Enrollment.	10
IV.	National Origins of Latino Students and Teachers..	13
V.	Organization Chart--Chicago Public Schools.....	14
VI.	Administrative and Supervisory Staff Chicago Public Schools, Spanish Surnamed American.....	15
VII.	Special Education Enrollment by Race, 1970-71.....	30
VIII.	Enrollment by Race, 1970-71: All Classes vs Special Education Classes.....	31
IX.	Special Education Enrollment by Race and Ethnicity, Physical vs Non-Physical Impairedness, 1970-71....	33
X.	Representation of Selected Racial and Ethnic Groups In Three Non-Physical Impairedness Categories of Special Education.....	34
XI.	Actual and Corrected Totals of Placement In Special Education Classes by Race, 1970-71.....	37
XII.	Language Orientations of Latino Student Subgroups..	41
XIII.	Median Scores, Reading and Arithmetic Tests, 1970-71	43
XIV.	Latino Enrollment in Federally-Assisted Institutions of Higher Learning in Illinois, 1968-73.....	56
XV.	Current Expenditures Per Pupil, 1970-71.....	60

The extermination of a language,
of a culture, and of a people, are
all one and the same thing . . .

Naert, Pierre, and Halldor
Halldorsson, et al, Revue
Psychologie Des Peuples: XVII
(1962), p. 355.

BACKGROUND

In January 1972, the Illinois State Advisory Committee to the U. S. Commission on Civil Rights appointed a subcommittee to develop a project addressing specific problems of the Latino community in Illinois. The U. S. Commission at that time was completing a major report on educational problems of Mexican Americans in the Southwest,[1] and was in the midst of a broad study of civil rights issues affecting Puerto Ricans in the eastern United States.[2] Many other State Advisory Committees to the Commission were also viewing local Latino issues.

The Illinois State Advisory Committee, in developing its project, sought to concentrate its investigation on a problem shared by the entire Latino community in Illinois.[3] After considering the issues of housing, employment and education, the Committee decided to initiate its study in the area of education. A major reason for this decision was the growing concern among Latino parents, students, and community leaders over alleged violations of Latino students' rights to an education in Chicago.

The eruption of riots in the Puerto Rican community in 1966 drew public attention to the problems of Latinos in Chicago, and education quickly became a major focus, especially among Latino organizations such

---

1. U. S. Commission on Civil Rights: Mexican American Education Study, Five Volumes, April 1971 through March 1974, USGPO, Washington, D. C.

2. A report on this study is currently nearing publication.

3. The Commission prefers to use "Spanish speaking background" to identify persons of Spanish heritage or descent. This term is more inclusive than other popular terms, such as Spanish speaking or Spanish surnamed people, which only use certain characteristics to identify this population group. Not all persons of Spanish speaking background have Spanish surnames or speak Spanish. "Latino, however, is used in this report because it is the term by which the Spanish speaking background community in the Midwest chooses to identify itself. Since this report is regional in scope, Latino is an appropriate term.

as the Association of Spanish Speaking People of America (ASPA), the Mexican American Council on Education (MACE), and Adelante, an organziation of teachers who are primarily Mexican American. The work of these and other groups generated a highly visible movement and a series of demands were subsequently placed before the schools: teaching of Latin American history, intensification of the federally-funded program for teaching English as a second language (TESL), development of a teacher exchange program with Puerto Rico because of the local shortage of Puerto Rican teachers, more attention to the dropout problem among Latino students, greater use of the Federal Title I program (from the 1965 Elementary and Secondary Education Act), and others.

Many of these demands were presented in 1969 in the first meeting between Latinos and the Chicago Board of Education at the board's budget hearings. Consequently, more local funds were allocated for the needs of Latino students. In November 1969 Mrs. Maria Cerda was appointed to the Board of Education. She was the first Latino to serve.

In this context of public concern, two general assumptions contributed to the Illinois Advisory Committee's focus: (a) that the total development of the Latino community depends on the kind of educational opportunities available, and (b) that more Latinos are directly affected by the educational system than by any other public institution since 75 percent of Latino families have children.

This report is based on information gathered in informal public hearings of the Illinois State Advisory Committee to the Commission held October 27-28, 1972 in Chicago, on statements and exhibits submitted to the Advisory Committee, and on staff and Committee investigations.

I. LATINO REPRESENTATION IN CHICAGO PUBLIC SCHOOLS

Chicago is the only city in the United States with a large population of both Mexican Americans and Puerto Ricans. It has more Mexican Americans than any other city outside the Southwest and more Puerto Ricans than any city except New York. The Spanish-speaking population of Chicago also includes Cubans and immigrants from various South American countries.

Unlike the history of black migration to the North which predates the Civil War, large Latino migration to cities like Chicago is relatively recent. The first wave of Latino migration occured in the 1920's when many Mexican Americans arrived (20,000 were counted by 1930). During the Depression this group was largely depleted through wholesale deportations, apparently because of the economic disaster.[4]

Significant, permanent Latino migration to Chicago did not occur until after the end of World War II, and it has never been clearly measured. Estimates of the number of Mexican Americans now in Chicago range from 80,000 to 300,000. The 1970 census numbered 107,925 Mexican Americans, 78,826 Puerto Ricans, 15,735 Cubans, and 45,371 others of Spanish origin.

The peak year for arrival of Puerto Ricans in Chicago was only 20 years ago in 1953. Most Cubans arrived during the past decade, following Castro's victories. Futhermore, the large influx of Latinos is continuing.

---

4. Robert E. T. Brooks, "Chicago's Ethnic Groups" in Chicago Lutheran Planning Study, vol. I., Urban Church Planning, National Lutheran Council, Chicago 1965, p. 27; Neal Betten and R. A. Mohl, "From Discrimination to Repatriation: Mexican Life In Gary, Indiana During the Great Depression," Pacific Historical Review, vol. 42, no. 3 (August 1973), pp. 370-388; Paul S. Taylor, Mexican Labor in the U. S., vol. 2: Chicago and the Calumet Region (Berkeley: Univ. of California 1932).

Chicago is reportedly the third most common destination for Mexican Americans coming to the United States (after Los Angeles and El Paso), and the second most common for Puerto Ricans (after New York City).[5]

The Latino population of Illinois today is largely urban. Of the State's 393,347 estimated Latino's, 324,215 live in the six-county metropolitan area of Chicago; the majority, 247,857, live in the city of Chicago itself. It is generally agreed, however, that the census projection of the Latino population is significantly lower than is actually the case, especially in urban areas.[6]

The diversity of Chicago's Latino population and its relatively dispersed nature throughout the city have important implications for Chicago's school system. Community demands for change in school priorities to meet the needs of Latino students have come quickly in the past 8 years. This is related to the nature of Latino migration to Chicago up to the present time, when they are now the only minority group significantly increasing in public school enrollment.

The 1970 census reported that 40 percent of the Latino population was under 14 years of age, compared to 20 percent for the total population. The difference is equally striking for the under-18 category: 46 percent for Latinos compared to 34 percent for the total population. These figures do not simply mean that Latino families have more children, but that more

---

5. See "Latins" series in Chicago Sun-Times, September 1971.

6. See, for instance, Sam Bell, "Statistical Summary of the Condition of the Spanish Speaking in Region V," Diversified Technical Systems Corporation, August 10, 1972, Appendix A.

Latino families have children -- only 55 percent of families in the total population have children under 18, compared to 75 percent of Latino families.

Enrollment in Chicago Public Schools

Chicago's Latino students are neither linguistically nor culturally homogeneous. In 1973-74 there were 63,730 Spanish surnamed students in Chicago's public schools, or 11.7 percent of the total school enrollment. (See Exhibit I, p. 7.)

The citywide percentage of Spanish surnamed people, according to the 1970 census, is significantly lower at 7.4 percent. However, Latinos are enrolled in proportions greater than their percentage in the total population (this is true for blacks as well), and they are the only minority group whose enrollment in the public schools is significantly increasing. Futhermore, that increase is occurring in two particular groups -- those of Mexican and Puerto Rican origin.

There is no single Latino region in Chicago. Latino student enrollment in Chicago is citywide. (See Exhibit II,p. 8.) This is partly explained by the history of Latino migration from many different Latin American nations.

In the 1971-72 school year, there were 568 schools and 88 branches in the Chicago public school system. They are grouped into 27 districts averaging 125,000 residents and 24 schools and branches in each district. The 27 districts are grouped into three administrative areas: A, B, and C, roughly covering the southeast, southwest-central, and north areas of

EXHIBIT I

CHICAGO PUBLIC SCHOOLS
SUMMARY OF STUDENT RACIAL SURVEYS, 1971-1974

LATINO STUDENTS

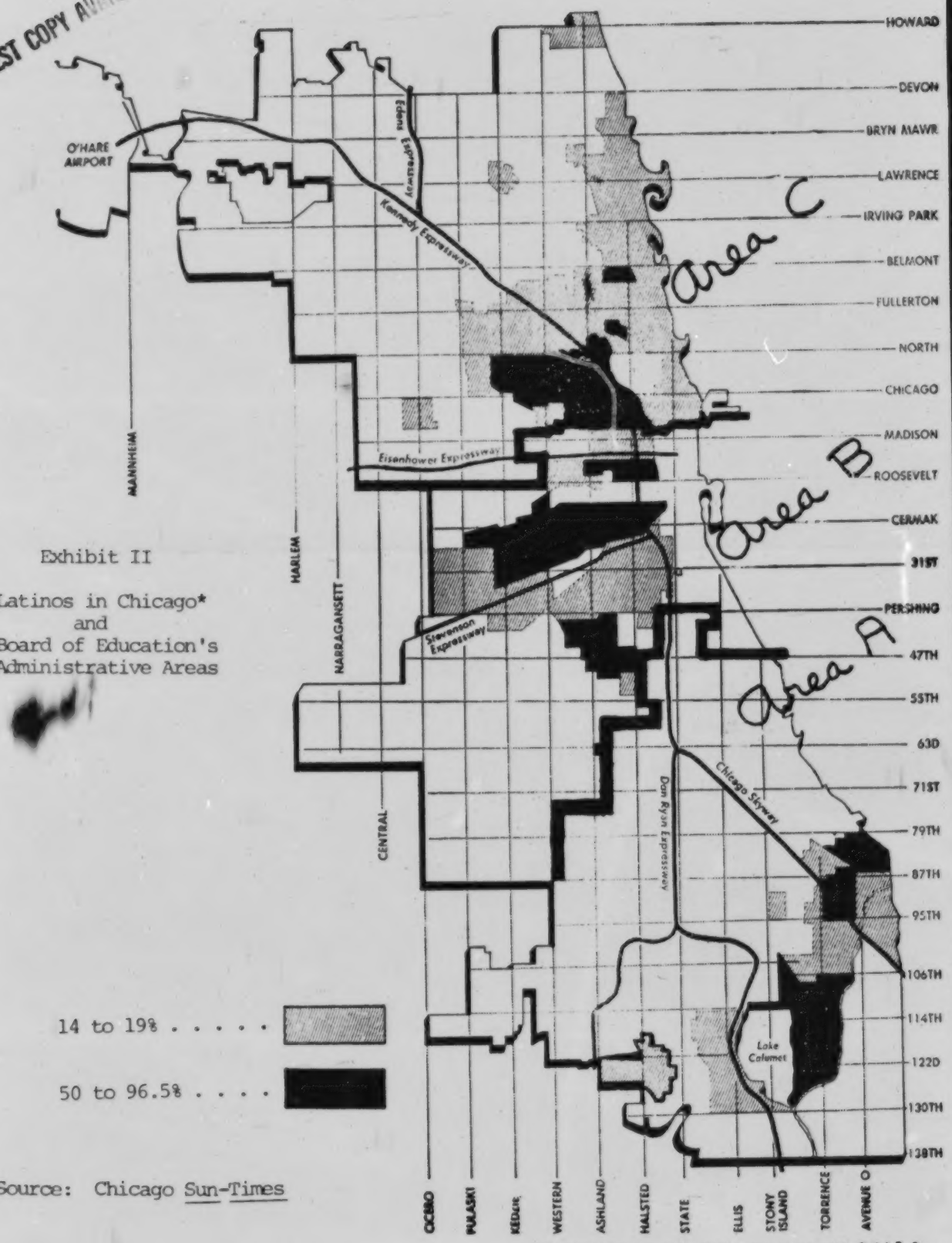
Ethnic Background	1971-72		1972-73		1973-74	
	No.	Percent	No.	Percent	No.	Percent
Mexican	25,314	4.4%	26,869	4.8%	28,249	5.2%
Puerto Rican	27,303	4.8%	27,946	5.0%	29,022	5.3%
Cuban	3,510	0.6%	3,277	0.6%	2,792	0.5%
Other Spanish Surnamed Americans	3,651	0.6%	3,886	0.7%	3,667	0.7%
Total	59,778	10.4%	61,978	11.1%	63,730	11.7%

ALL STUDENTS

Latino	59,778	10.4%	61,978	11.1%	63,730	11.7%
American Indian	1,184	0.2%	1,168	0.2%	1,042	0.2%
Asian American	4,424	0.8%	4,561	0.8%	5,264	1.0%
Black	320,797	55.8%	317,975	56.9%	314,089	57.6%
White	188,312	32.8%	173,143	31.0%	160,846	29.5%
Total	574,495	100.0%	558,825	100.0%	544,971	100.0%

Source: Chicago Board of Education Surveys, September 1972 and September 1973

BEST COPY AVAILABLE



the city, respectively. There are schools in each of the three administrative areas with more than 50 percent Latino enrollment, although the two northernmost areas, B and C, show the greatest Latino enrollments.

Of the total 1973-74 Latino enrollment in elementary and general high schools, 91 percent is located in 11 of the 27 districts, ranging from 5.4 percent in District 12, to 65.6 percent in District 6. (See Exhibit III, p. 10.) In District 19 in Area B (in the near southwest part of the city), 44.8 percent of the 19,348 students in 1973 were Latino, most of Mexican background. There are eight other districts in the city with Latino enrollments of 15 percent or more.

Within the Latino public school enrollment, Mexican and Puerto Rican students predominate in approximately equal proportions. (See Exhibit I, p. 7.)

In addition to linguistic, cultural, and political variations between groups, however, there are also differences in enrollment patterns making delivery of services to each group a complex task.

Puerto Rican students are more widely distributed among schools in District 6 than are Mexican American students in District 19. The two schools with the highest Latino enrollments in Chicago are Komensky (96.8 percent) and Jirka (95.1 percent), both in District 19 and predominantly Mexican American.

There are at least two implications of this demographic data for the school system. First, Latino enrollment is virtually systemwide with significant numbers in all three administrative areas, so there is need for

DISTRICTS WITH SIZEABLE LATINO STUDENT ENROLLMENT

EXHIBIT III

(Elementary and General High School)
1971-1974

DISTRICT	(AREA)	Total Enrollment			Latino Enrollment (%)		
		1971-72	1972-73	1973-74	1971-72	1972-73	1973-74
6	(C)	28,791	28,242	27,476	17,288 (60.0%)	17,639 (62.3%)	18,018 (65.6%)
19	(B)	20,744	19,775	19,348	8,210 (39.6%)	8,511 (43.0%)	8,673 (44.8%)
17	(A)	19,988	19,755	18,153	4,447 (22.2%)	4,488 (22.7%)	4,495 (24.8%)
3	(C)	25,967	25,078	23,947	4,789 (18.4%)	4,952 (19.8%)	5,068 (21.2%)
24	(C)	14,083	13,532	13,554	2,248 (16.0%)	2,717 (20.1%)	2,718 (20.1%)
25	(C)	18,598	17,757	16,949	2,852 (15.3%)	3,152 (17.7%)	3,318 (19.6%)
26	(B)	16,379	16,124	16,241	2,879 (17.6%)	2,857 (17.7%)	3,073 (18.9%)
7	(C)	16,651	15,172	14,085	3,041 (18.3%)	2,665 (17.6%)	2,422 (17.2%)
5	(C)	29,237	28,706	27,863	3,259 (11.1%)	4,044 (14.1%)	4,602 (16.5%)
10	(B)	19,811	18,515	17,819	2,111 (10.7%)	2,466 (13.3%)	2,688 (15.1%)
12	(B)	24,139	23,019	24,267	1,263 (5.2%)	1,254 (5.5%)	1,309 (5.4%)

Source: Student Racial Surveys, Chicago Board of Education, 1971-1974

overall, centralized planning and administration dealing specifically with Latino education. Second, there is major diversity in national origin within the Latino community, which demonstrates the importance of specialized programs and staff sensitive to particular needs of the various Latino sub-groups.

Teachers in Chicago Public Schools

In 1972, of Chicago's 25,854 public school teachers 390, or 1.5 percent, were Spanish surnamed. This was an increase of 85 teachers over the 305 reported in 1971. If Latino teachers were represented in proportion to the Latino population in Chicago (7.4 percent) there would be 1,917 currently employed. If they were represented in proportion to Latino student enrollment (11.1 percent), there would be 2,870.

An analysis of the Board of Education's 1972 Student and Teacher Racial Surveys on a school-by-school basis gives the following information: Of 426 schools with Latino enrollment, 303 had no permanent Latino teaching staff. In terms of students, 1,814 Latino high school students and 12,674 Latino elementary school students attended schools with no Latino teachers. Another 25,108 Latino students attended schools having only one (or no) Latino teacher; that is 41 percent of all Latino students in Chicago public schools.[7]

The proportion of teachers with Mexican backgrounds was nearly the same as that of the student population. For Puerto Ricans, however, it

7. This analysis of the distribution of Latino teachers and students is based upon the Chicago Board of Education's "Racial Survey of Students" and "Racial Survey of Administrative and Teaching Personnel," both dated September 29, 1972. The analysis covers all schools reported in the surveys, including special schools, vocational schools, etc. All branches of schools are counted as separate schools, as they were reported by the Board in its own survey.

was only half, but for Cubans and other Latin Americans it was three to four times the proportion within the student population. Further, the percentage increase in teachers over 1971 was greatest for Cubans and other Latin Americans, and smallest for Puerto Ricans (21.3 percent, representing a numerical increase of 16 teachers). (See Exhibit IV, p. 13.)

Various educators and community leaders have urged that teachers of bilingual students come from the same cultural background as their students.[8]

Administrators in Chicago Public Schools

There is a vast structure of administrative positions between the classroom and the Chicago Board of Education. (See Exhibit V, p. 14.) The complexity of this administrative structure may be one factor contributing to the difficulties of Latino students.

Of the 1,706 administrative and supervisory personnel reported in 1971, 58 or 3.4 percent were Latinos. Only seven, however, appeared to be in administrative jobs. (See Exhibit VI, p. 15.) There were no Latinos at the level of superintendent, although enrollment in at least two districts indicates the value of having district superintendents there who are Latinos (District 6 with 62.5 percent Latino enrollment, and District 19 with 43 percent). Six other districts have Latino enrollments of 15 percent or more.

8. See, for instance, the minutes of the meeting of the State Bilingual Advisory Council to the Office of the Superintendent of Public Instruction, September 29, 1973, p. 3.

EXHIBIT IV

NATIONAL ORIGINS OF LATINO
STUDENTS AND TEACHERS: 1972

Ethnic Background	Number of Students	Percent of all Latino Students	Number of Teachers	Percent of All Latino Teachers	Increase over 1971 (%)
Mexican	26,869	43.5%	156	40.1%	35 (+28.9%)
Puerto Rican	27,946	45.0%	91	23.4%	16 (+21.3%)
Cuban	3,277	5.3%	76	19.5%	18 (+31.0%)
Other Spanish Surnamed Americans	3,886	6.3%	67	17.2%	16 (+31.4%)
Total	61,978	100.1%*	390	100.2%*	85 (+27.9%)

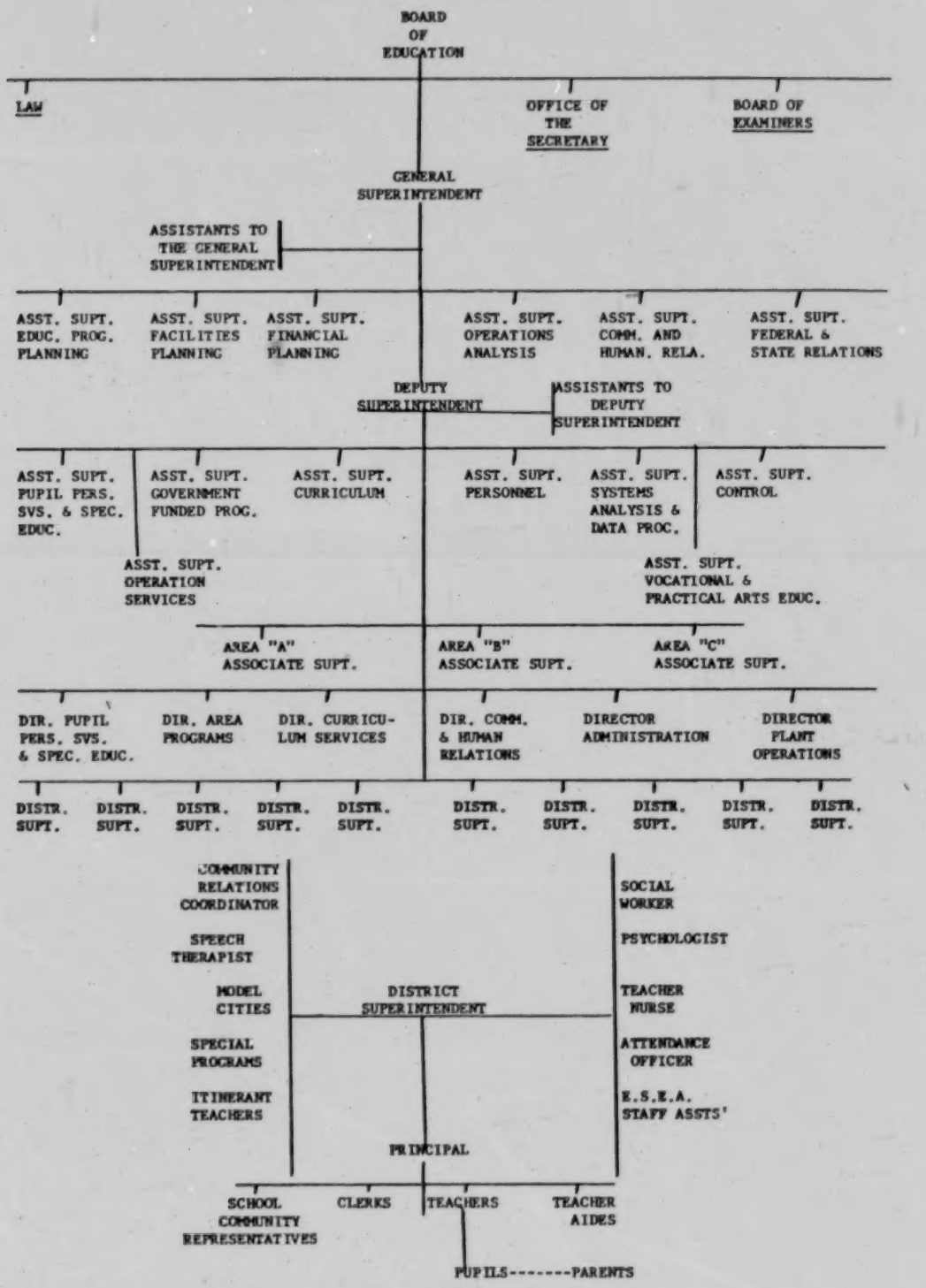
Numerical increase in Latino students over 1971: 2,200

*Column does not add to 100 percent due to rounding.

Source: Racial Surveys of Administrative and Teaching Personnel and of Students, Chicago Board of Education, September 29, 1972.

EXHIBIT V

ORGANIZATION CHART--CHICAGO PUBLIC SCHOOLS



SOURCE: Citizens Information Service of Illinois April 1974

EXHIBIT VI

ADMINISTRATIVE AND SUPERVISORY STAFF CHICAGO PUBLIC SCHOOLS

SPANISH SURNAMED AMERICANS

	Total	Mexican		Puerto Rican		Cuban		Other Spanish Speaking Americans		Total Spanish Speaking Americans	
		No.	%	No.	%	No.	%	No.	%	No.	%
General, Deputy, Associate, Assistant; District Supt.; Assistant to General Supt.; Examiners	43									0	0
Principals*	514	1	0.2%					1	0.2%	2	0.39%
Assistant Principals**	(686)	(4)	(0.6%)	(1)	(.15%)					(5)	(.73%)
Directors, Coordinators, Administrators, Administrative Aides	130	1	0.8%	2	1.5%			2	1.5%	5	3.8%
Sub total (Administrative)	687	2	0.29%	2	0.29%			3	0.44%	7	1.0%
Consultants, Staff Assistants, Teachers Receiving an Increment	349	5	1.4%	4	1.1%			2	0.6%	11	3.2%
Teachers Not Reported in Individual Schools	670	21	3.2%	11	1.6%	1	0.1%	7	1.1%	40	6.0%
Totals	1706	28	1.6%	17	1.0%	1	0.06%	12	0.7%	58	3.4%

*Not included in school-by-school reports
**Included in school-by-school reports

Source: Chicago Board of Education: Racial Survey of Administrative and Teaching Personnel, Sept. 29, 1972.

Because there is no "counsellor" category in the Board's racial surveys, it is impossible to determine how many, if any, Latinos are student counsellors.

It is instructive, in this context, to compare again Latino percentages in school administration with their share of Chicago's general population and student enrollment. If Latinos occupied a proportion of the 1,706 administrative positions in the schools proportionate to their number in the general population, they would hold 126 positions. In terms of student enrollment, however, they would have 189 positions in the school administration. A major increase of Latinos in school administration should include positions at the higher levels of authority.

Finally, the highest level of formal authority in Chicago's public schools is the 11-member Board of Education. At the present time the Board includes one Latino (Mrs. Cerda), two blacks, and seven whites. One position is vacant. In early 1974, however, Mrs. Cerda and Alvin Boutte, a black member of the Board, announced that they would not ask to be reappointed at the end of their terms, April 30, 1974. As of this writing no plans for filling the vacancies have been announced by the City administration.

In summary, demographic data demonstrates that Latino student enrollment is much greater than the proportion of Latinos as teachers and administrators. Further, the national origin backgrounds of Latino teaching personnel are not proportionate to those of Latino students. Hiring patterns of Latino teachers during 1971 suggest that this situation will continue. Latino representation in administrative positions is lowest of all.

II. EDUCATIONAL POLICY AND PRACTICE

There are growing legal grounds for requiring educational practices which protect and nurture the cultural and linguistic identity of students to ensure their right to an education.[9] This legal base is reinforced by scholarly research showing the close relationship between successful educational practice and sensitivity to the cultural and linguistic characteristics of students. Latinos' problems in securing an education is perhaps the best example yet to come before the public schools in this Nation. Many forms of cultural discrimination practiced against Latinos are also experienced by blacks, American Indians, and other minorities. There are, of course, also wide variations in cultural traits within the white population.[10]

Thus, the question of whether Chicago's schools can provide an effective educational opportunity to Latinos is ultimately the question of whether the schools can do so for any student. The present distribution of power, authority, and funds in Chicago's schools, however, insures a better education for white students, who comprise 31 percent of student enrollment. Their privileged position stems from a history of white-dominated policies, programs, and hiring practices by the Board of Education.

---

9. These include Title VI of the 1964 Civil Rights Act; the definitional position of Title VII of the 1965 Elementary and Secondary Education Act (as amended); Brown v. Board of Education, 347 U. S. 483 (1954) and related decisions; the Illinois School Code; and the May 25, 1970, Memorandum of the Director of the Office for Civil Rights, Department of Health, Education, and Welfare (on civil rights compliance by schools in the case of national origin minority students).

10. See, e.g., G.S. Lesser, et. al., "Mental abilities of children from different social-class and cultural groups," Monographs of the Society for Research in Child Development," 1965, No. 102.

Now, however, minority enrollment is far greater than white enrollment, and Latinos are the only group whose enrollment is significantly increasing. These factors indicate the need for major change in Chicago's public schools.

Change need not occur in the direction of domination, again, by one group or culture. An alternative is a pluralistic educational process more closely attuned to the needs and abilities of a diverse student population. Bilingual-bicultural education, properly defined, provides a basis for such a pluralistic educational process.

A fundamental premise behind bilingual-bicultural education is that students should not be forced by the schools to choose between the culture and language of their families and the dominant culture and language of the American society.

The HEW Advisory Committee for the Education of the Spanish Speaking and Mexican Americans has recommended:

> . . . that education for the Spanish Speaking be designed, not only to enable them to move quickly and efficiently into the mainstream, but also to retain their Spanish language and those attributes of their Hispanic culture which have contributed so much to the culture of America. It is through bilingual-bicultural programs that this goal is best achieved, without damage to the self-image of the Spanish Speaking child enrolled in an American School.[11]

---

11. Advisory Committee for the Education of the Spanish Speaking and Mexican Americans, El Desafio a la Realidad (A Challenge to Reality), Annual Report to the Secretary; Department of Health, Education, and Welfare; May 1, 1973, p. 21.

A more comprehensive theory of bilingual-bicultural education has been called "cultural democracy" by its proponents in the field of education and child development.

Drs. Manuel Ramirez, III, and Alfredo Castaneda, directors of the Multi-Lingual Assessment Project of the University of California at Riverside are among the advocates of cultural democracy in education. They have characterized cultural democracy as a pluralism of cultures in the same educational process, and give three general reasons for this new approach:

1. Researchers have determined that permanent psychological damage often results when the student's cultural identity is denied or suppressed in school.

2. Students have been found to achieve better academically when teachers respond to their cultural identities positively, thus drawing on their strengths.

3. Each culture has a special contribution to make to the experience of all students in the educational process.

Dr. Castaneda, who is also a Professor of Education at the University of California, has contrasted cultural democracy with the "melting pot" theory of education. The latter, which has persisted in American public schools for generations, attempts to deny or suppress cultural traits which are not a part of the dominant Anglo cultural tradition.[12]

12. Alfredo Castaneda, "Melting Potters vs. Cultural Pluralists: Implications for Education," in Castaneda, et. al., Mexican Americans and Educational Change (symposium), University of California, Riverside, May 21-22, 1971.

Latino Cultural Factors

Researchers differ about variations between individuals of different cultures, but agree that the differences are widespread and significant for the education of children. Although there is considerable diversity in language and lifestyles within the various Latino groups in Chicago, they all participate in what may be called the Hispanic cultural tradition.

Jane and Chester Christian, researchers for the Language Resources Project of the U. S. Office of Education, suggest three general themes generally accepted as characteristic of Hispanic culture.[13]

1. Hispanic culture is based on extreme individual autonomy within the absolute boundaries created by [traditional Hispanic] society.

2. It is oriented toward persons rather than toward ideas or abstractions.

3. Because of the extreme cultural commitment to individual autonomy, Hispanic cultures exhibit an underlying mistrust of human nature.

Although the Drs. Christian do not maintain that these three themes are totally inclusive of Latino cultural traits, they do believe most characteristics of Hispanic culture may be subsumed under one of these three headings.

James G. Anderson and William H. Johnson, professors of educational administration at New Mexico State University, cite several specific cultural chacteristics observed in some Mexican Americans in the Southwest, including the following:

---

13. "Spanish Language and Culture in the Southwest," in Joshua A. Fishman, Language Loyalty in the United States: The Maintenance and Perpetuation of Non-English Mother Tongues by American Ethnic and Religious Groups (The Hague: Montan & Co., 1966), pp. 303-305; See also other authorities cited therein.

1. Emphasis on the central importance of the family;
2. Orientation to the present (rather than the past or future);
3. Limited stress on material gain as a primary goal;
4. Emphasis on the father as the main authority figure;
5. Subordinate, domestically-oriented role for women;
6. A fatalistic, destiny-oriented outlook on life;
7. An accommodating, cooperative attitude toward the solution of problems; and [14]
8. An emphasis on being rather than doing.

The extent of these cultural traits vary among Chicanos, Puerto Ricans, and other Latinos and between rural and urban Latinos. However, the variations between Latinos and Anglos has been found more significant.[15] Dr. Ramirez from his studies with urban Chicano students,[16] identifies eight areas in which Mexican American cultural values and those of Anglo students may come into conflict, among them:

- Student's loyalty to family group.
- Student's loyalty to national origin.
- The cultural value attached to the "machismo" or maleness of the student.
- The cultural definition of sex roles.

14. James G. Anderson and William H. Johnson, "Sociocultural Determinants of Achievement Among Mexican-American Students," ERIC Clearinghouse on Rural Education and Small Schools, March 1968.

15. See Christian and Christian, in Joshua A. Fishman, op. cit., p. 311.

16. Manuel Ramirez, III, "Current Education Research: The Basis for a New Philosophy for Educating Mexican Americans," University of California, Multi-Lingual Assessment Project, 1972, pp. 8-13, and authorities cited therein.

Dr. Ramirez also describes four areas of personal identity in which Latinos and Anglos function differently:

- The way a person communicates (communication style).
- The way a person relates to others (human relational style).
- The way a person seeks support, acceptance, and recognition (incentive-motivational style).
- The way a person learns (cognitive style).

The first area, communication style, includes language variations (which languages, how and in what contexts they are used, regional and socio-economic variations within one language group, etc.).

In the second area, human relational style, Dr. Ramirez cites research indicating that Mexican American students have greater need for support and encouragement in their relationships with authority figures than do Anglos.

In the third area, incentive-motivational styles, according to Dr. Ramirez, Mexican American students perform tasks better in situations requiring cooperation, whereas Anglos perform better where competitive styles are called for. In addition, Anglos were found to be more motivated to achieve for the self, while Mexican Americans were more motivated to achieve so that their parents would be proud of them.

Dr. Ramirez reports that the most general cultural difference was found in cognitive style. This is often measured by psychological tests to determine how the individual mentally organizes that which he or she perceives--those things in his or her "field" of perception. Those who orient themselves on principles not given directly in the field

of perception are classified as being less "field-dependent," or relatively more "field-independent."[17]

According to Dr. Ramirez, Mexican American children are significantly more "field-dependent" than Anglo children. This stems from the Hispanic cultural value emphasizing family and group identity, whereas Anglo culture stresses a more individualistic identity in its children. This difference in cognitive style has many implications for how a student functions:

> Field-dependents do better on verbal tasks of intelligence tests, learn better when the material has human content and is characterized by fantasy and humor, perform better when authority figures express confidence in their ability; and, conversely, their performance is depressed when authority figures express doubt about them.
>
> Field-independents do better on visual-motor tasks, (i.e. putting parts together to make a whole or extracting parts from a whole), on intelligence tests; learn better when material is abstract, impersonal, and tied to reality. Their performance is not significantly affected by the opinions of authority figures.

Dr. Ramirez also reports that each cognitive style has a built-in tendency to respond more favorably to persons of the same cognitive style. The culturally-based difference in cognitive style, therefore, is a deep-seated aspect of the student's identity, and has a direct bearing on the issue of cultural background and sensitivity of teachers of Latino students.

---

17. For a more technical discussion, see H. A. Witkin, et. al., Psychological Differentiation: Studies of Development (New York: John Wiley and Sons, 1962, pp. 7-23.

Dr. Ramirez cites a study of Jewish, black, Chinese, and Puerto Rican first graders showing that members of different ethnic groups exhibit different patterns of intellectual ability. Each group achieved better in some areas than in others, and the differences remained stable within each ethnic group across socio-economic lines. It follows that tests dominated by one cultural style or norm do not necessarily measure the real potential for learning or achievement of students from other cultures. This fact has led, for instance, to the development of tests which are "culture-free" or based on "pluralistic" norms. Simple translation of existing tests into the student's first language has not been successful in removing cultural bias from the tests.[18]

Still another area of cultural differences between students is that of pyscho-linguistic skills. Dr. Samuel A. Kirk, Professor of Special Education at the University of Arizona, has summarized results of recent studies of certain pyscho-linguistic abilities of black, Indian, Mexican American, and Anglo children:

1. The performance of Black children in auditory sequential memory appears to be superior to their performance in other areas and to the performance of other ethnic groups along this dimension . . . This conclusion is derived from several studies and seems to occur in both middle class and lower class Black children.

2. Indian children appear to have a superiority in visual sequential memory, both with reference to their other abilities and with reference to Black and Anglo children.

---

18. See J. R. Mercer, "Sociocultural Factors in the Educational Evaluation of Black and Chicano Children," California Department of Mental Hygiene, 1972.

3. Mexican American children, similarly to bilingual Indian children, appear to be superior in visual sequential memory relative both to their other abilities and to both Blacks and Anglos.[19]

Cultural themes, values, language structure, personal styles, and psycho-linguistic skills are, therefore, all aspects of a student's personal identity which are related to his or her ethnic/cultural background.

As mentioned earlier, one premise of bilingual/bicultural education is that healthy personality development and adequate academic achievement are both related to how the school responds to students' cultural traits. If the student's cultural background is respected and dealt with sensitively, his or her academic and psychological development is enhanced. The reverse has also been found true. That is, suppression of students' cultural identity has been found closely related to lowered achievement and greater feelings of alienation among students.

These findings have led researchers to question the assumption that acculturation is a cure-all for Latino's educational problems.[20] In another study of high and low potential Chicano children, those with high potential were found to have larger Spanish vocabularies. This data appears to refute the common assumption that children who are most "Mexican" in their behavior and outlook will have difficulty in school.

19. Samuel A. Kirk, "Ethnic Differences in Psycholinguistic Abilities," Exceptional Children, October 1972, p. 116.

20. The data on acculturation are summarized by Manuel Ramirez, III, in "Effects of Cultural Marginality on Education and Personality," Southwestern Cooperative Educational Laboratory, 1970.

In the area of self-image, several studies indicate that Latinos who identify with their own cultural background develop a more stable sense of identity while growing up. Conversely, others have found that Chicano adolescents who rejected Chicano values experience more adjustment problems than those identifying with Chicano values.

In forcing Latino students to reject their cultural backgrounds, the schools become one cause of students' educational and psychological problems. This can be understood as culture conflict. For instance, it was reported earlier that Chicanos are mainly "field-dependent" in their cognitive styles while Anglos are more "field-independent." An analysis of schools in terms of these cognitive styles disclosed that most educational environments were biased in the direction of "field-independence." This finding indicates one way in which schools are predisposed, even in unconscious ways, to foster culture conflict.

It is in response to this general fact about American schools that the theory of cultural democracy and the philosophy of bilingual/bicultural education has developed.

The investigation of the Illinois State Advisory Committee into Latino educational problems disclosed four areas of apparent discrimination based on culture and language:

- Initial introduction of the student to the school
- Ongoing instructional processes
- Decision-making and communications
- The disciplinary process.

Parents, students, teachers, and administrators are affected. The conflicts are not simply relational (interpersonal), but are also expressed through established policies, rules, curricula, and procedures.

In each of the four areas, Chicago's public schools appear to violate the rights of Latinos (and other minorities) to an equal education by unilaterally imposing cultural and linguistic demands inappropriate to these students and their families.

Latinos Entering School: The "Testing Process"

The enrollment process for Latinos is characterized by consistent underestimation of the student's real ability. This occurs in at least two major ways:

- placement in grade levels lower than the student's previous attainment in other school systems, and a concomitant lack of recognition for specific courses completed (especially for high school students).

- classification of students as mentally handicapped and their placement in any of several "special education" programs.

Such classification inflicts a particular burden on the student, negatively influencing both his self-concept and how he is viewed by others. It also establishes very early in his school career a record of official "failure" which limits future educational and employment opportunities.

The Illinois State Advisory Committee and staff received many complaints of inappropriate placement of Latino students. This is difficult to document, however, since it would depend on accurate records of students' previous academic work. Since schools may not accept previous work, particularly from Puerto Rican and Mexican schools, records are often incomplete.

During the 1970-71 school year in Chicago, 21,289 students were served in special education classrooms, and another 11,706 students were served by itinerant district personnel.[21] The latter are not placed in a special class for the entire school day.

The students were classified in the following categories:

> 1) Educable Mentally Handicapped (EMH); 2) Trainable Mentally Handicapped (TMH); 3) Brain Injured/Severe Learning Disabilities (BI/SLD); 4) Moderate Learning Disabilities (MDL); 5) Blind/Partially Seeing; 6) Deaf/Hard of Hearing; 7) Socially Maladjusted; 8) Early Remediation Approach (ERA); 9) Impact; 10) Multiple Handicapped, and 11) Orthopedically Handicapped.

The following analysis is focused on the group served in classrooms, and is based on several commonly accepted assumptions: 1) that 3 percent of any given population can be expected to fall into the category of "Special Education" or mentally handicapped in any way,[22] and 2) that among all races, there is a random distribution of qualities, talents, and handicaps.[23] Based on these assumptions:

> (a) no racial group in the schools should have significantly more or less than 3 percent of its number represented in the total special education enrollment, and (b) no racial group

---

21. All figures based on the "Racial Survey of Special Education Teachers and Pupils," March 31, 1971, Chicago Board of Education. According to Dr. James F. Redmond, General Superintendent of Schools (in a letter of July 30, 1973) no similar report on special education enrollment exists for periods prior or subsequent to the report cited herein.

22. See D. Wechsler, The Measurement and Appraisal of Adult Intelligence (4th ed.), Baltimore: Williams and Wilkins, 1958, and L. M. Terman and M. A. Merrill, Stanford-Binet Intelligence Scale, Boston: Houghton Mifflin, 1960.

23. The use of this assumption can be seen, for instance, in Larry P. v. Riles, 343 F. Supp. 1306 (N. D. Cal. 1972); See also "Legal Implications of the Use of Standardized Ability Tests in Employment and Education," 68 Colum. L. rev. 691, 695 (1968).

> in the schools should be enrolled in any one special education classification in a proportion significantly different from that group's enrollment in the total school population.

The 21,289 students enrolled in special education classrooms in 1970-71 was 3.69 percent of the total student body of 577,679. Although this figure is slightly over the norm, it is not an unreasonable percentage. If totals involving physical impairment categories such as TMH, Blindness, Deafness, Multiple Handicapped and Orthopedically Handicapped are removed from these totals, there are 16,429 students, or 2.84 percent in other special education classes, a figure slightly lower than the expected 3 percent projection.

In an examination of the racial composition of special education classes, however, major variations begin to appear. Minorities are enrolled at a rate much greater than whites, 4.3 percent compared to 2.4 percent. (See Exhibit VII, p. 30.) This may be seen more clearly in comparing each minority group's percentage of total school enrollment with their percentage of special education enrollment. While about two out of every three students in the schools were non-whites, three out of every four in special education classes were non-whites (See Exhibit VIII, p. 31.)

These figures diverge even further when totals are separated into the categories of physical impairedness (TMH, Deaf, Blind, Multiple, and Orthopedically Handicapped) and non-physical impairedness (EMH, Brain Injured/Severe Learning Disabilities, Socially Maladjusted, ERA,

EXHIBIT VII

SPECIAL EDUCATION ENROLLMENT BY RACE
CHICAGO PUBLIC SCHOOLS
1970-71

Racial or Ethnic Group	City-wide Enrollment--Including Special Education	Special Education Enrollment Only	Percentage of Each Racial Group in Special Education
American Indian	1,042	212	20.3%
Asian American	3,883	35	0.9%
Black	316,711	14,277	4.5%
Mexican American	24,066	691	2.8%
Puerto Rican	26,176	1,124	4.2%
Cuban	2,673	45	1.6%
Other Spanish Speaking Americans	3,459	76	2.2%
All minorities	378,010	16,460	4.3%
Whites	199,669	4,829	2.4%
TOTAL	577,679	21,289	3.7%*

* Percentage of total student population in Special Education.

Sources: Racial Survey of Special Education Teachers and Pupils Chicago Board of Education, March 31, 1971, and Student Racial Survey, September 1970.

EXHIBIT VIII

ENROLLMENT BY RACE
1970-71
ALL CLASSES VS. SPECIAL EDUCATION CLASSES

Racial or Ethnic Group	Percentage of All Students	Percentage of Students in Special Education
American Indian	0.2%	1.0%
Asian American	0.7%	0.1%
Black	54.8%	67.1%
Mexican American	4.2%	3.3%
Puerto Rican	4.5%	5.3%
Cuban	0.4%	0.2%
Other Spanish Surnamed Americans	0.6%	0.3%
All Minorities	65.4%	77.3%
Whites	34.6%	22.6%
TOTAL	100.0%	99.9%*

*Column does not add to 100 percent due to rounding.

Source: Student Racial Survey, Chicago Board of Education, September, 1970. Racial Survey of Special Education Teachers and Pupils, Chicago Board of Education, March 31, 1971.

and Impact). Comparison of the racial breakdown in physical impairedness programs with the entire school population reveals a near-perfect normal distribution by race, except in the case of American Indian students -- 3.6 percent as compared to 0.2 percent. The racial breakdown of non-physical impairedness programs compared to total enrollment, however, shows high representation of minorities -- 13,288 or 8 percent of the total minority school enrollment, vs. an expected 3 percent representation. (See Exhibit IX, p. 33.)

Exhibit X, page 34, indicates differential placement by race in three specific categories: 1) Brain Injured/Severe Learning Disabilities; 2) Educable Mentally Handicapped (EMH); 3) Moderate Learning Disabilities. More than four of every five students in the second and third categories are black, Mexican, or Puerto Rican. In the first category, three of every four students are white. Itinerant teachers are assigned to students classified with "Moderate Learning Disabilities" which in March 1971, included 210 white students compared to 94 black, 13 Mexican American, and 28 Puerto Rican students. Students in this category were served by personnel assigned to district offices, rather than in special education classrooms. Also within this group, there was under-representation of blacks among those benefiting from speech center services (81 blacks, 154 whites).

The category "Socially Maladjusted" offers still another example of seemingly inequitable minority classification -- 77 percent black, Mexican American and Puerto Rican, and 22 percent white, (1,984 minority

EXHIBIT IX

SPECIAL EDUCATION ENROLLMENT
BY RACE AND ETHNICITY
PHYSICAL VS NON-PHYSICAL IMPAIREDNESS
1970-71

Racial or Ethnic Group	Enrollment in Physical Impairedness Category		Enrollment in Non-Physical Impairedness Category		Enrollment in Total School Population
	Number	Percent	Number	Percent	Percent
American Indian	153	3.6%	59	0.4%	0.2%
Asian American	22	0.5%	13	0.1%	0.7%
Black	2,564	52.8%	11,713	71.2%	54.8%
Mexican	155	3.0%	536	3.3%	4.2%
Puerto Rican	235	5.0%	889	5.4%	4.5%
Cuban	18	0.3%	27	0.2%	0.4%
Other Spanish Surnamed Americans	25	0.5%	51	0.3%	0.6%
All Minorities	3,170	65.7%	13,288	80.9%	65.4%
Whites	1,690	34.7%	3,141	19.1%	34.6%
TOTAL	4,860	100.4%*	16,429	100.0%	100.0%

*Column does not add to 100 percent due to rounding.

Source: Racial Survey of Special Education Teachers & Pupils, Chicago Board of Education, March 31, 1971. Student Racial Survey, Chicago Board of Education, September 1970.

EXHIBIT X

REPRESENTATION OF SELECTED RACIAL & ETHNIC GROUPS
IN THREE NON-PHYSICAL IMPAIREDNESS CATEGORIES OF SPECIAL EDUCATION

Racial or Ethnic Group	Brain Injured/Severe Learning Disability		Educable Mentally Handicapped		Moderate Learning Disability		Percentage of Total Enrollment in School System
	Number	Percent	Number	Percent	Number	Percent	
Black	51	25.1%	8,872	71.6%	268	79.3%	54.8%
Mexican	0	0.0%	468	3.8%	6	1.8%	4.2%
Puerto Rican	3	1.5%	752	6.1%	17	5.0%	4.5%
Other Minorities	2	1.0%	117	0.9%	2	0.6%	1.9%
All Minorities	56	27.6%	10,209	82.4%	293	86.7%	65.4%
Whites	147	72.4%	2,177	17.6%	45	13.3%	34.6%
TOTAL	203	100.0%	12,386	100.0%	338	100.0%	100.0%

Source: Racial Survey of Special Education Teachers and Pupils, Chicago Board of Education, March 31, 1971. Student Racial Survey, Chicago Board of Education, September 1970.

students and 573 white students).[24] The use of the category "Socially Maladjusted" is questionable, especially in light of the racial, cultural, and social judgments which this category suggests.

Finally, the racial breakdown of special education teachers should be noted. In self-contained special education classrooms in 1970-71, there were 2,006 teachers of whom 655 or 33 percent were minority persons--three of Mexican origin, one each of Puerto Rican and Cuban origin, and four other Spanish-surnamed.

Among the 179 special education personnel assigned to district offices, 44 were black (24.6 percent) and 135 were white (75.4 percent). There were no Latinos in this group. The 33 percent minority figure of classroom-based special education teachers is not proportionate to the three-fourths minority representation in special education classes for reasons other than physical handicaps.

In summary, during the 1970-71 school year the high percentage of minority students in classes for non-physical impairments was in striking contrast with their percentage in classes for the physically handicapped which had an almost perfect correlation with overall school enrollment. This seems to indicate evidence of systematic discrimination by race and national origin in the referral and/or testing, classification, and placement of students in special education classes. A non-discriminatory special education program should have a significantly lower minority enrollment, especially in categories of non-physical impairment.

24. "Racial Survey of Special Education Teachers and Pupils," Chicago Board of Education, March 31, 1971.

In the case of Cubans and South Americans, testing and placement seem to have been less discriminatory. The reason for this may be that during the 1970-71 school year the Board of Education employed two Latino psychologists. One was born in Spain and educated in Peru, and the other was of Colombian background. It can be assumed that the cultural, linguistic, and socio-economic backgrounds of the two Latino psychologists enhanced their ability to accurately collect and interpret data on students of South American heritage.

Two facts not easily accounted for are the low representation of Asian Americans in special education programs, and the high representation of American Indians in classes for the physically handicapped. Of the 21 percent American Indians in special education classes, 153 were classified as physically impaired, while the system norm for all groups was reversed at 23 percent physical and 77 percent non-physical impairment.[25]

The relative degree of discrimination by racial group can be seen in Exhibit XI, page 37, which compares actual special education enrollment figures by race with the "normal" expectation of 3 percent enrollment figures. The groups having the highest over-inclusion in special education classes are: American Indians (181 students over-included, or 584 percent above normal), blacks (4,776 over-included, or 50 percent above normal), and Puerto Ricans (339 over-included, or 43 percent above normal).

---

25. Summaries of the data by individual racial group can be found in Appendix A of this report.

EXHIBIT XI

ACTUAL AND CORRECTED TOTALS OF PLACEMENT
IN SPECIAL EDUCATION CLASSES BY RACE
1970-71

Premise: It is commonly accepted by educators that three percent of any given racial or ethnic group would qualify for Special Education.

Racial or Ethnic Group	Total District Enrollment Including Special Education	Special Education Enrollment Only	Actual Percentage in Special Education	Expected Enrollment Based on Three Percent	Over Inclusion or Under Inclusion	Over Inclusion or Under Inclusion by Percentage
American Indian	1,042	212	20.3%	31	+181	+584%
Asian American	3,883	35	0.9%	116	-81	-70%
Black	316,711	14,227	4.5%	9,501	+4,776	+50%
Mexican American	24,066	691	2.8%	722	-31	-4%
Puerto Rican	26,176	1,124	4.2%	785	+339	+43%
Cuban	2,673	45	1.6%	80	-35	-43%
Other Spanish Surnamed Americans	3,459	76	2.2%	104	-28	-27%
All Minorities	378,010	16,460	4.3%	11,340	+5,120	+45%
Whites	199,669	4,829	2.4%	5,990	-1,161	-19%
Total	577,679	21,289	*3.7%	17,330	+3,959	+23%

*Percentage of total student population in Special Education.

Source: Racial Survey of Special Education Teachers and Pupils, Chicago Board of Education, March 31, 1971. Student Racial Survey, Chicago Board of Education, September 1970.

Although the Illinois State Advisory Committee did not directly analyze individual files of students in special education classes, it reviewed reports of many irregularities in testing and placement procedures. These included alleged violation of the State law requiring annual reevaluation of any student placed in a class for the mentally handicapped.[26]

In the case of Latinos, it was alleged that hundreds of students have been placed in classes for the mentally handicapped in violation of the State statute which reads:

> No child who comes from a home in which a language other than English is the principal language used may be assigned to any class or program under this Article [Article 14 of the School Code: Handicapped Children] until he has been given, in the principal language used in his home, tests reasonably related to his cultural environment.[27]

In several cases, the Federal courts have viewed critically the apparent over-inclusion of minority group students in special education classes. As ruled in Hobson v. Hansen, 269 F. Supp. 401 (D.D.C. 1967), the school has a "weighty burden of explaining why" this has occurred. The shifting of the legal burden of proof to the school was successfully executed in the historic case of Larry P. v. Riles.[28] This case also attacked the use

---

26. "Rules and Regulations To Govern the Administration and Operation of Special Education." Office of the Superintendent of Public Instruction, July 1, 1973, Article X, Rules 10.16, 10.17.

27. Illinois School Code: Section 14-8.01. The law was enacted September 10, 1971, but according to staff of the Board of Education's Bureau of Child Study, it has often been ignored.

28. 343 F. Supp. 1306 (N.D. Cal. 1972).

of culture-bound IQ tests in the assessment of a minority child's IQ and subsequent placement in special education classes. Such tests are not precluded even in newly revised State regulations.[29]

More extensive investigations of special education procedures in Chicago may also indicate parallels with at least two other cases in this area: Diana v. State Board of Education and Stewart v. Philips.[30] The Diana case concerned a student who was placed in special education classes based on tests measuring English language skills, although English was his second language. Stewart, a similar case, addressed "the arbitrary, irrational and discriminatory" manner of classification involved and consequent denial of equal protection of the laws.

It should also be noted that the Office of Civil Rights of the Department of Health, Education, and Welfare, Region V, has never conducted a review of special education in Chicago schools. According to representatives of that agency, the U. S. Department of Justice is currently in charge of all Federal civil rights enforcement in the Chicago school system, by agreement between the two agencies.[31] The Justice Department's work has centered on the issue of city-wide desegregation of teaching staff.

---

29. "Rules and Regulations to Govern the Administration and Operation of Special Education," Office of the Superintendent of Public Instruction, July 1, 1973, Art. XIV.

30. Diana v. State Board of Education, No. C-70 37 RFP (N.D. Cal., June 18, 1973); and Stewart v. Philips, No. 70-1199-F (D. Mass. 1970).

31. See Appendix D for memorandum from DHEW, Region V. chronicling the relationship between DHEW's Office for Civil Rights and the Department of Justice.

Language Orientation

The extent to which Spanish is the dominant language varies in the several Latino subgroups. There are also differences in achievement scores in the various groups.

In 1972, there were 49,417 students enrolled in Chicago's public schools whose first language was other than English.[32] This was 8.8 percent of total enrollment. Thus, more than one of every 11 students did not speak English as a first language. Of these, 40,801, or 82.6 percent, spoke Spanish as a first language. This figure represents 65.8 percent of the total Latino enrollment of 61,978. The primary language for two of every three Latino students was Spanish.

Within the Spanish-speaking Latino enrollment, the four national origin subgroups are represented somewhat differently than in the total Latino school enrollment. (See Exhibit XII, p. 41 for details and data on national origin of Latino teachers.)

In comparision with total Latino enrollment, the percentage of Mexicans and South Americans whose first language was Spanish was considerably smaller than the percentage of Puerto Ricans and Cubans, more than 70 percent of whom spoke Spanish as a first language. That only 50 percent of South Americans ("Other SSA") spoke Spanish as a first language may be a function of social class, while the 61.3 percent figure for Mexicans is more likely related to their longer history of movement to Chicago.

32. "Survey of Pupils Whose First Language is One Other Than English," Chicago Board of Education, Nov. 30, 1972.

EXHIBIT XII

LANGUAGE ORIENTATIONS OF LATINO STUDENT SUBGROUPS

Ethnic Background	Total Latino Student Enrollment		Latino Students With Spanish as Primary Language	Percent of Ethnic Group With Spanish as Primary Language
	Number	Percent		
Mexican	26,869	43.5%	16,484	61.3%
Puerto Rican	27,946	45.0%	19,945	71.4%
Cuban	3,277	5.3%	2,396	73.1%
Other Spanish Surnamed Americans	3,886	6.3%	1,976	50.8%
TOTAL	61,978	100.1%*	40,801	65.8%**

*Column does not add to 100 percent due to rounding.

**Percent of all Latino students with Spanish as primary language.

Sources: Survey of Pupils Whose First Language Is One Other Than English (Nov. 30, 1972). Racial Survey of Students (Sept. 29, 1972): Chicago Board of Education.

Cubans are the most recent group to arrive, and this may account for their having the highest percentage of all--73.1 percent.

The data on national origins of Latino teachers shows that although Puerto Ricans constitute nearly half of all Spanish-speaking Latino students--48.9 percent--less than one-fourth of all Latino teachers are Puerto Rican. As cited earlier (Exhibit IV), the percentage increase of Puerto Rican teachers during 1971 was significantly lower than that of the other three groups.

Achievement Scores

Information on both language orientation and teacher recruitment seems to show that Puerto Rican students are more isolated, linguistically and culturally, than the other Latino groups. The following information on achievement scores seems to indicate that Puerto Rican students also suffer the most academically.

Exhibit XIII, page 43, compares 1970-71 city-wide median test scores in reading and arithmetic with scores of predominantly Latino schools which, as a whole, scored lower than the city-wide median. This is true at each grade level tested, but the degree of lag behind city-wide scores is greater the higher the grade level. Thus, ninth grade reading medians for predominantly Latino schools are 15 points below the city-wide median score (15 vs. 30), while pre-fourth grade medians are only three points behind (31 vs. 34), for example.

The same holds true for both Mexican and Puerto Rican schools, although Puerto Rican schools are farther behind. Thus, the eighth grade

EXHIBIT XIII

MEDIAN SCORES, READING AND ARITHMETIC TESTS
1970-71

READING

Grade Level	All Schools City-Wide	Predominant Latino Schools	Predominant Mexican Schools	Predominant Puerto Rican Schools
Pre-4th Grade	34	31 (-3)	35 (+1)	28 (-6)
6th Grade	28	23 (-5)	24 (-4)	21 (-7)
8th Grade	36	26 (-10)	31 (-5)	20 (-16)
9th Grade	30	15 (-15)	-- --	-- --

ARITHMETIC

Pre-4th Grade	45	45 (=)	50 (+5)	41 (-4)
6th Grade	32	32 (=)	32 (=)	31 (-1)
8th Grade	28	27 (-1)	31 (+3)	24 (-4)

Note: Latino medians are averages of school median scores. Signed numbers in parentheses indicate variation from city-wide median for that grade level.

Source: Selected School Characteristics, 1971-72, Chicago Board of Education.

reading median in mainly Puerto Rican schools lags 16 points behind the city-wide median, while the Mexican figure is five points behind.

In arithmetic scores, data available through the eighth grade level indicate that predominantly Latino schools approximate the city-wide median scores. Again, however, Mexican and Puerto Rican schools vary significantly from each other. Median scores for mainly Mexican schools are the same or above the city-wide median at each grade level. Puerto Rican schools, however, average significantly below the city-wide score. Culture and language differences are less relevant to arithmetic than to reading, and this may account for the fact that some Latinos test higher in arithmetic than in reading.

There is reason to suspect that as the student progresses through grade levels, Latino achievement scores decline much faster than those of the overall population. Caution is necessary here, however, because of the high mobility rate in predominantly Latino schools. While the 1970-71 city-wide mobility rate for elementary schools was 36.35 percent,[33]

33. See Selected School Characteristics (Chicago Board of Education, 1971-72), pp. viii and 192. The mobility rates attempt to measure the percentage of students entering and leaving which affects the educational process. The rates are based on the assumption that transfers-in affect the number and kind of teaching-learning problems with which the school must cope to a greater degree than transfers-out; both transfers-in and transfers-out create similar administrative problems. The formulas take into consideration student movement during the summer which results in transfers in September as well as movement during the school year. The formulas for the calculation of the individual school mobility rates are indicated below:

Elementary Schools: including Upper Grade Centers and EVG Centers

$$MR = \frac{{}^{E}t + 1/3\ {}^{L}t}{{}^{M}b - {}^{K}m}$$

General and Vocational High Schools

$$MP = \frac{{}^{E}t + 1/3\ {}^{L}t}{{}^{M}b}$$

In these formulas the truly transient entering students (^{E}t) are added to one-third of the truly transient leaving students (^{L}t) with the sum being divided by the membership base (^{M}b), or, in the elementary schools, the membership base less kindergarten membership (^{K}m).

the rate for 32 predominantly Latino elementary schools was 58.1 percent. Within these schools, a large difference exists between the mobility rate for Mexican schools, at 45.4 and for Puerto Rican schools, at 64.8. Information available to the Illinois State Advisory Committee does not provide an explanation for this difference, but the fact should be related to the earlier point that Puerto Rican enrollment patterns seem to differ generally from those of Mexican Americans. These facts may imply greater transience of Puerto Ricans within the city. They also reflect the greater ease with which Puerto Ricans can travel to and from the island of Puerto Rico, compared with travel of Mexican Americans to Mexico.

One Latino educator, Mrs. Carmen Perez, has suggested that the Puerto Rican relationship with Puerto Rico, including ease of travel, is one explanation both for the high proportion of Puerto Rican students who speak Spanish and for the strong cultural self-awareness among those students. In Mrs. Perez' opinion these characteristics lead to special educational needs for Puerto Rican students, which she believes the Chicago schools have not met. The lower achievement level of Puerto Rican students tends to support this opinion.

Bilingual-Bicultural Programs

The following is excerpted from the Chicago Board of Education's booklet entitled, A Comprehensive Design for Bilingual Education:

> Bilingual education is an approach that brings together three distinct elements: bilingualism, bicultural education, and curriculum. The elements are woven together within the organizational structure of the school system.
>
> Bilingualism, stated most simply, is communicating in two languages. For school purposes, bilingualism is learning to listen, speak, read, and write in two languages; learning to raise the level of proficiency of each language from a limited use and knowledge to a competency of being completely at home in both languages; and learning to solve problems encountered in daily living by using each language. . . .
>
> Bicultural education is the teaching of the values, mores, institutions, ethnic background, and history of the native and target cultures so that the student can be comfortable in either, and function as a well-adjusted individual.
>
> Curriculum in the bilingual education setting is a systematic group of courses or sequences of subjects taught and studied in two languages, using textbooks, resource books, reference books, etc.

Many Latino students are in the position of knowing neither Spanish nor English well. They are suspended between two cultures, unable to participate fully in either. Despite the Chicago Board of Education's definition of bilingual/bicultural education, no more than 16,000 Latinos from a total of 40,800 whose first language is Spanish receive any form of bilingual/bicultural instruction. In fact, only about 4,000 Latinos in Chicago's schools receive instruction which can be classified as bilingual education under the Board of Education's definition. Of the

16,000 Latinos who receive some assistance, approximately 12,000 are enrolled in Teaching English as a Second Language programs (TESL). There is no requirement that TESL teachers be bilingual and/or bicultural, and instruction is usually limited to one period per day. Furthermore, the aim of TESL is simply the teaching of the English language. In itself, TESL does not address the student's need for developing native language skills, or for instruction in other subjects using the native language. Consequently, the student often regresses in other subjects.[34]

The destructiveness of this situation is best seen in light of recent educational research on the relation between language development and student achievement. Numerous studies have shown that the premature introduction of a second language, especially for younger children, retards the rate of learning and disrupts the normally ordered process of learning carried out through the child's first language. In Ireland, children instructed in a second language showed deterioration in the area of problem-solving. Similar retardation was found in Welsh children instructed in a language not their own.[35]

The converse, however, has also been found true, and this constitutes one major value of truly bilingual/bicultural education. It has been shown that development of literacy in the native language actually enhances the ability to learn English. With Navajos in Arizona and

---

34. See, for instance, the findings of educational researchers Jose and Blandina Cardinas of Texans for Educational Excellence that TESL programs have resulted in academic retardation, NEA Journal, February, 1973, p. 50.

35. Vera P. John and Vivian M. Horner, Early Childhood Bilingual Education (New York: Modern Language Association of America, 1970), p. xxiv.

Indians in Chiapas, Mexico, for instance, proficiency in both the first and second languages was found to be greater than it would have been with instruction solely in the second language.[36]

Systematic evaluation of State-funded bilingual centers outside Chicago has been done showing significant success. No similar evaluation of State or Federal bilingual centers in Chicago has been reported. This is not to say that some successful bilingual centers may not be operating in Chicago. Even if all Chicago's centers operated optimally, however, 36,000 Latinos whose first language is Spanish would still be unaffected.

Some Latinos have enrolled in the bilingual high school operated by ASPIRA, Inc., of Illinois since 1971. ASPIRA is a national agency designed to develop community leadership potential in Puerto Rican youth through educational achievement and skill development. ASPIRA's high school prepares students, many of whom have dropped out of public schools, to take tests for a high school equivalency degree. As of September 1973, ASPIRA had succeeded in placing 36 of its students in colleges.

Disciplinary Process

In his study of Puerto Rican dropouts in Chicago, Dr. Isidro Lucas found that 71.2 percent of Puerto Rican students became dropouts, a larger percentage than any other racial group in the schools. Puerto Rican students often give economic reasons for dropping out. According to Dr. Lucas, however, the following are actually the most pressing factors:

---

36. Jeffrey W. Kolbrick, "The Compelling Case for Bilingual Education," Saturday Review of Education, April 29, 1972, p. 58.

> Lack of self-confidence, defensiveness, and revolt against a hostile environment play a more important role in the process.
>
> Puerto Rican pupils have lower aspirations for the future the older they are and the longer they have attended school in the city. Many of them let their lack of interest and passivity ease them out of the school situation. They never belonged there.
>
> Some Puerto Rican youths turn to gangs or other peer groups not accepted by society. There is an increase in the size and militancy of these groups, that is due to the spreading defiance of the system that rejects them....
>
> Gangs in Puerto Rican communities do not prevent youngsters from attending school as a rule. They give them a more congenial environment where they feel more like persons. As the youth attends more informal gang activities, he lacks the time and interest for school....
>
> The youth is more likely to enter gangs as a leader or turn into drugs the more intelligent he is and consequently the more aware he becomes of his discriminatory situation.[37]

The dropout problem in Chicago's public schools has often been referred to as a "pushout" problem[38] because of the procedures in expulsion and suspension cases in Chicago schools which permit students and their families little or no chance for hearing or appeal. The experience is common to all minority groups, and stems from an extremely permissive section of the Rules of the Chicago Board of Education:

---

37. Dr. Isidro Lucas, Puerto Rican Dropouts in Chicago: Numbers and Motivations, March 1971 (Researched under grant from Office of Education, Department of Health, Education, and Welfare), pp. 61-62. Dr. Lucas is the Assistant to the Regional Director for Community Organizations, Department of Health, Education, and Welfare, Region V.

38. Barry Glassner, "Victims of the 'Pushout'," Chicago Sun-Times, Nov. 14, Section 2, p. 2.

> Exclusions of Pupils—Cause. Whenever a pupil in any school is found by the school authorities to be a distinct detrimental influence to the conduct of the school, or to be unable to profit or benefit from further experience in his school, he may be transferred to special educational facilities in the school system, or may be excused from further attendance, or excluded from school by the General Superintendent of Schools.
>
> Suspension of Pupils—Cause. For gross disobedience or misconduct a pupil may be suspended temporarily by the principal for a period not exceeding one school month for each offense. Every such suspension shall be reported immediately to the District Superintendent and also to the parent or guardian of the pupil, with a full statement of the reasons for such suspension. The District Superintendent shall have authority to review the action of the principal and to return the suspended pupil.[39]

Section 10-22.6 of the Illinois School Code, however, prohibits such action until parents have been requested by certified or registered mail to appear at a meeting to discuss their child's behavior with the board or with a hearing officer appointed by the board. In Whitfield v. Simpson, 312 F. Supp. 889 (E.D. III. 1970), the court reaffirmed the principle that procedural due process with regard to expulsion requires at least the following: adequate notice of the charges, reasonable opportunity to prepare for them, an orderly hearing, and a fair and impartial decision.[40]

Juan Cruz, Director of the Board of Education's Human Relations Office in Area C, told the Illinois State Advisory Committee that his office has often received complaints alleging physical brutality against

---

39. cf. Rules of the Board of Education, (Jan.1, 1972, revised), Sections 6-8 and 6-9.

40. Buttny v. Smiley, 281 F. Supp. 280 (D. Colo., 1968).

Latino students by teachers. It is likely that such events may occur as the result of misinterpretation of cultural differences, Mr. Cruz said, but his department has little real authority to remedy such situations.

Communication and Decision-Making

Ned Seelye, Illinois Director of Bilingual Education, has said, "We have schools in Illinois where 95 percent of the students are Spanish-speaking but not one of the staff can speak the language."[41] In Chicago according to the Board of Education's 1972 Racial Survey of Students and Teachers, there are eight schools with over 50 percent Latino enrollment which have no Latino teachers. In those eight schools alone, there are 2,284 Latino students. Deficient student-teacher communication may not be the only, or even the worst, result of having no Spanish-speaking teachers in a school. But it is the most obvious.

The communication network involves more than teachers and students. Counsellors, principals, truant officers, parents, advisory councils, district and area administrators, and officials with system-wide responsibilities all participate in the school sytem. A breakdown of simple information flow in one relationship can affect many other areas of the system.

An example of such a breakdown was given to the Illinois State Advisory Committee by Norma Reyes, a Puerto Rican high school junior from a family of seven. Her brother had failed a grade in school, she said.

41. "Educators Here Seek U. S. Aid for Latin-English Programs," Chicago Tribune, November 11, 1972.

Her mother had received no notice and found out only when they transferred to another school one or two years later. Thus, lack of knowledge about the school's action prevented the family from giving any help to the son at the time of his failure. In the Reyes' case, the parents spoke English.

The relation between Latino parents and the parent advisory councils is another example of the communication issue. The first issue with the councils is their power and membership. The councils, from the local to the city-wide level, have only advisory powers. It can be assumed that this fact lessens their significance in the eyes of those members who are parents and actual representatives of the Latino community. It obviously also limits their significance in relation to the school administration. The councils' makeup may also violate Title I guidelines. For instance, a check of the members of the city-wide advisory council indicates that many are school administrators and community aides paid by the Board of Education. Of the six Latino members, most are employees of the school system. The natural unwillingness of a person to criticize an employer was cited by community people and professionals as a major limitation on the council's effectiveness.[42]

---

42. Chicago Board of Education practices regarding Title I parent advisory councils may be in violation of Federal Regulations. Title I Guidelines (Regulations, Title I of the Elementary and Secondary Education Act, of 1965; Public Law 89-10; Section 116.18, subsection (f); 33 F. R. 17789) read as follows: "Each local educational agency shall provide the maximum practical involvement of parents of educationally deprived children in the area to be served in the planning, development, operation and appraisal of projects, including their representation on advisory committees which may be established for the local Title I program."

In most cases, parents and community people are appointed to the councils by school principals. The exceptions are the Jose de Diego and Ruben Salazar bilingual centers (Title III, ESEA) in Districts 6 and 19, respectively. Both councils were chosen by the community and are the only ones in which Latino parents seem to have a significant role in decision-making, according to testimony received by the Illinois State Advisory Committee.

Thus, the advisory councils represent only minimal parent involvement in school operations. But, even if this were not the case, the proceedings themselves are often difficult for Latino members to understand. Mrs. Rosa Diaz has been a representative on the city-wide council for 2 years, and is also on her local council in District 26, both Title I councils. Not only are the meetings sometimes incomprehensible to her, but notices and other literature related to council agenda have always been sent in English, despite council decisions to the contrary.

Another dimension of the communication problem is reflected in the parent-student relationship. At first it would seem that this would have little or no connection with school policy and practice, but it does. The case of Norma Reyes' brother, previously cited, is one kind of problem. Even when the parent is notified of the student's problems and called to the school, the student often ends up as the translator in a conversation about himself between parents and school officials. In such a situation, the diminished authority of the parent in the student's life stems partly from the school's inability to relate to the student's cultural and linguistic background.

The parent's lack of credibility is matched by the student's insecurity in being suspended between two cultures. The result is often acute tension between the generations in a family, and diminished dialogue between parents and children.

The insecurity and resentment felt by the student contributes further to lack of respect for parental authority. Dr. Lucas, in the concluding section of his study of Puerto Rican dropouts, states one of the results:

> The children demean their parents as lacking ambition, resent their Spanish and try to forget it fast (while not acquiring perfect English either). They see their parents playing no role in the school and being incapable of communicating with the outside "American" world...
>
> The tension so built closes communication between parents and children and makes the former's influence on the latter's staying in school almost nil. Among seniors, positive influence to stay had been exerted by parents in more proportions than among dropouts.[43]

In satisfactory school situations, counsellors who are independent of family tensions often help a student make academic and career plans and spot potential educational problems. But apparently Latino students receive very little assistance from counsellors who share and understand their cultural background. It is impossible to know how many, if any, Latino counsellors there are in Chicago's schools because they are not counted as a separate category in racial surveys. The Illinois Advisory Committee received no indication that Latino counsellors were available to students. Sonia Lopez, a 17 year-old high school senior, had applied to several colleges of nursing. She told the Committee that her public school counsellors had been of no

43. Lucas, op. cit., p. 60.

help in making contact with colleges. All of her assistance in applying for admissions and scholarships, she said, had come from ASPIRA.

Although better communication is important, it cannot be assumed that it will automatically remedy the denial of educational opportunity. Indeed, several examples cited were not based on language differences, but on the apparent indifference of school officials. It can be assumed, however, that better communication between the Latino community and the school system is a vital step toward solution of the educational problems of Latinos.

Latino College Enrollment

There are few Latino college students in Illinois. The high dropout rate for Latino students in Chicago's schools is one obvious reason. According to the 1970 census, there were 6,857 Illinois Latinos (described as "persons of Spanish language") under 35 years of age enrolled in college. Racial and ethnic data compiled in 1970 by the U. S. Department of Health, Education, and Welfare, however, lists only 2,309 Latino college students in Illinois. (See Exhibit XIV, p. 56.)

Although the HEW data covers only institutions receiving Federal aid, and the census data would include Illinois Latinos attending college out of State, the possibility of a major census error should not be dismissed. (HEW data would count out-of-State Latinos enrolled in Illinois, and perhaps cancel, to some extent, the difference in the two figures.) Since the HEW data is an actual count, while census data is a statistical estimate, the greater accuracy of the lower figure is assumed in this report.

EXHIBIT XIV

LATINO ENROLLMENT IN FEDERALLY - ASSISTED INSTITUTIONS OF HIGHER EDUCATION IN ILLINOIS 1968 - 73

	Total Enrollment 1968-69*	1970-71	1972-73	Latino Enrollment (%) 1968-69 (%)*	1970-71 (%)	1972-73 (%)	1970-73 INCREASE (%)
Undergraduate	------	245,870	252,639	------	2,069 (0.8%)	2,736 (1.1%)	667 (32.2%)
Graduate and Professional Schools	------	32,107	32,760	------	240 (0.7%)	252 (0.8%)	12 (5.0%)
TOTAL	239,700	277,977	285,399	1,627 (0.7%)	2,309 (0.8%)	2,988 (1.0%)	679 (29.4%)

*Undergraduate and graduate enrollment not reported separately for 1968-69

LATINO UNDERGRADUATES IN PUBLIC AND PRIVATE INSTITUTIONS 1970-73**

	Enrollment 1970-71	1972-73	Increase (%)
44 Public Institutions	1,164	1,462	298 (25.6%)
59 Private Institutions	623	1,024	401 (64.4%)

**Based only on data from institutions reporting in both Fall 1970 and Fall 1972

Sources: U. S. Department of Health, Education and Welfare, Office for Civil Rights, publications number OCR-201-69 (1968 data) and OCR-72-8 (1970 data), and unpublished 1972 data received by D. H. E. W. through March 1974, all courtesy of D. H. E. W.

Latinos numbered approximately one percent of the Illinois undergraduate population represented in the survey. At the graduate and professional student level Latinos numbered only 252 out of a total of 32,760 in 1972, or 0.8 percent. These percentages are less than one-third of the percentage of Latinos in the total Illinois population, which was estimated to be 3.3 percent in the 1970 census.

Rates of increase in Latino undergraduate enrollment in Illinois vary significantly between public and private institutions of higher education. From fall 1970 through fall 1972, Latino undergraduate enrollment increased by 401 (64.4 percent) in private Illinois institutions reporting for both years. In public institutions reporting for both years, however, Latino undergraduate enrollment increased by only 298 (25.6 percent). It is likely that Latino enrollment in private colleges and universities in Illinois will soon surpass that in public institutions if these trends continue. The Illinois State Advisory Committee received no information indicating a State-wide effort to increase Latino enrollment in public institutions of higher education.

III. MONEY AND THE LAW

Chicago schools face a recent, profound, and continuing change in the populations they serve. Furthermore, the nature of this change has not been clearly described and measured. What is clear, however, is that most of that new population, which is predominantly Latino, is not participating effectively in Chicago's educational process. The question now is, who should be responsible for institutional change and in what ways? To reach a conclusion, it is necessary to examine (a) what local, State, and Federal institutions are presently doing for Latinos' education, and (b) the current state of the law regarding Latinos' rights to an education.

Funding: Local, State, and Federal

The Chicago Board of Education has publicly advocated bilingual/bicultural education and sought Federal and State funds for programs. Local monies, however, have never been significantly used to back up the Board's public commitments. The major sources of support for TESL and bilingual/bicultural programs in Chicago, and Illinois generally, are non-local. These include money under Titles I, III, and VII of the 1965 Elementary and Secondary Education Act, and under the State Bilingual Act.

Local Per Capita Spending

James G. Moffat, Assistant Superintendent for Government Funded Programs, testified that, in spite of the Board's current budget difficulties, it "showed its commitment to programs for the non-English speaking by almost doubling the local budget appropriation from $600,000 to $1.1 million [for

1972-73] for this purpose."[44] Subsequent information from the Board indicates that the figure is $1.5 million for 1973-74.[45] These funds support the salaries of about 134 professionals who either teach in TESL programs or work in the district, area, or central office.

The $1.5 million figure is equivalent to instructional expenditure for 2,078 students, based on a per capita average of $722. The $1.5 million actually serves about 6,300 students,[46] averaging $238 per student. If it has been available to all Latino students in 1972-73, it would have amounted to $24.20 per student -- one-fortieth of the $722 in instructional funds theoretically available to all students in the system. (See Exhibit XV, p. 60.)

The significance of these special funds must also be considered in light of whether they supplement or supplant the normal per capita allotment available to all students in the system. It seems reasonable to assume that some local per capita spending does benefit Latino students. The one-third portion of per capita expenditures for non-instructional purposes such as operation of the physical plant, fixed charges, pupil transportation, and food services should benefit Latino students to the same extent it does any other student in the Chicago schools. It is more difficult to say, however,

---

44. Testimony of James G. Moffat, Assistant Superintendent, Dept. of Government Funded Programs, before the Illinois State Advisory Committee, October 27, 1972.

45. Provided at request of staff by Dr. Lloyd J. Mendelson, Director Bureau of Special Programs, Board of Education; letter of February 26, 1973.

46. 6,300 is an estimate of students served based on numbers of TESL teachers supported by local monies as provided in a letter from Dr. Lloyd J. Mendelson, Director, Bureau of Special Programs, Board of Education, February 26, 1973.

EXHIBIT XV

CURRENT EXPENDITURES PER PUPIL - 1970-1971

BASED ON AVERAGE DAILY ATTENDANCE - 481,855

Administration	$ 39.95
Instruction	721.91
Attendance and Health Services	18.15
Pupil Transportation	7.93
Operation and Maintenance of Plant	123.61
Fixed Charges	118.81
Food Services	1.67
*Community Services	11.06
Total	$ 1,043.09

*Playgrounds, Recreational Centers, Pools, Parental Homes, etc.

Source: Department of Control. Published in Facts and Figures: 1972-1973, Chicago Board of Education, p. 128

whether the two-thirds per capita expenditure for instruction, which is in the English language, benefits Latinos who cannot understand English.

Another factor complicating assessment of local per capita spending for Latino students is the power of the local principal to organize his school as he sees fit, and the corresponding lack of knowledge on the part of the Board of Education about how principals actually spend per capita monies. What is clear, however, is that, except for the 6,300 students receiving TESL instruction funded by special (non-per capita) local money in 1972-73, all TESL and bilingual instructional expenses are borne by special State and Federal grants.

State Bilingual Funds

Frequently State funds are combined with Federal monies in the "bilingual" centers. In 1972-73, 4,000 students participated in bilingual programs in Chicago, and 2,000 more outside Chicago were served by State funds. In 1973 the Illinois General Assembly raised the allocation for bilingual programs from $2,370,000 to $6,000,000, making it possible to increase the number of children served in all bilingual programs from 6,000 to 17,000. The Superintendent of Public Instruction has estimated that 100,000 students throughout Illinois need bilingual instruction.[47] At the present time, however, Federal and State bilingual programs are not mandatory for school districts having Spanish speaking students, and the incentive for their use has come primarily from the Latino communities.

47. Memorandum to Superintendents of Educational Service Regions, selected school superintendents, bilingual project directors from H. Ned Seelye, Director of Bilingual Education, Office of the Superintendent of Public Instruction, December 29, 1972.

Both State and Federal programs are designed to supplement, rather than replace, local per capita spending for Latinos' education.[48] However, through the 1972-73 school year, 100 percent of teacher salaries in Title VII Federal bilingual programs and the State bilingual programs have been paid with Federal and State monies. Since teacher salaries are the largest item in the cost of education (usually about two-thirds of per capita spending), the State and Federal governments have been bearing most of the responsibility for bilingual programs.

Under the present system, bilingual education is almost entirely supported by State revenues in Illinois.[49] The current cost to the State per student is approximately $375 per year. Of this amount, 69 percent goes for salaries, all paid by the State. The reason for this is that participation in the State bilingual program is not mandatory for schools with bilingual students, and the Superintendent of Public Instruction has had little power to secure greater financial commitments from local school districts. The districts would be legally free to refuse the State programs if required to use more of their local funds to pay for them. As a result, the regulation that State bilingual funds supplement, not replace, local funds has gone largely unenforced.

Federal Bilingual Funds

Federal money for bilingual education comes from Titles I, III, and VII of the Elementary and Secondary Education Act (ESEA). In the 1972-73

48. Guidelines for State Bilingual Funding, Office of the Superintendent of Public Instruction, October 1972, p.5.

49. Federal effort only amounted to $500,000 in 1972-1973 according to the Department of Government Funded Programs, Board of Education.

school year, Title I TESL funding totalled $2,230,000 and served an estimated 6,000 students.[50] In 1972-73 Title VII (ESEA) and the State Bilingual Act provided the only funds for programs actually intended to be bilingual, apart from one bilingual center, Peabody, funded with Board of Education funds. Several hundred preschoolers were served in two bilingual centers, funded under Title III, but Title III is an experimental program and there is no guarantee that its students will move into bilingual programs in regular schools.

Although the policy of the Office of Education of the U. S. Department of Health, Education and Welfare, is to require local school boards to gradually assume the costs of bilingual teacher salaries under Title VII, the Chicago Board of Education has not done so. Many more students could be served if local funding of bilingual programs were increased.

The Chicago Board of Education, as a Local Educational Agency (LEA), is required under regulations of Title I, ESEA, to show that schools receiving Title I money also receive their share of local per pupil expenditures. Title I funds must only supplement, not replace, local funds. The ESEA Title I stipulation is enforced by the Federal requirement that "comparability data" on per capita spending be provided to show a variation of less than 5 percent between Title I and non-Title I schools. The Chicago Board of Education computes and submits such data, and appears to have satisfied the Department of Health, Education and Welfare that it is in compliance with Federal regulations.[51]

---

50. Testimony of James G. Moffat before the Illinois State Advisory Committee, October 27, 1972.

51. See Title I regulations at 45 C.F.R. 116.45.

Federal regulations, therefore, would appear to provide a means of insuring that local per capita monies actually reach all students in the right amounts. There are, however, ways to compute comparability under Title I regulations which show acceptable comparability where it does not exist.[52] Federal regulations, however, have recently been tightened in this area.[53] Other problems, such as local principals' power, further complicate assessment of per capita spending. Still, comparability does not measure what per capita monies buy.

State of the Law

Recent legal developments, both legislatively and in the courts, evidence an awareness of the need for bilingual programs and an acknowledgment of the Latino student's right to an education.

On September 10, 1973, for example, Governor Dan Walker signed into law Public Act 78-727 making bilingual education mandatory in Illinois by July 1, 1976, in attendance areas having 20 or more students whose first language is not English. The law also requires that local funds be used for bilingual centers, up to the per pupil expenditure level available

52. See an analysis of the July 1972, HEW comparability regulations showing their lack of rigor: Inequality in Education, No. 6 (Harvard Center for Law and Education), pp. 28-29.

53. On June 23, 1973 the U.S. Office of Education issued new comparability regulations which are more stringent in one way: They prohibit State educational agencies (SEA's) from paying Title I funds to local educational agencies (LEA's) which are found to be out of compliance with Federal regulations on comparability. Previously, SEA's could pay Title I funds to LEA's having noncomparable schools if the LEA promised to achieve comparability in the future. In one case (Philadelphia), the SEA cut off all Title I funds to an LEA under new regulations. See 38 Fed. Reg. 17126 et. seq. (1973) and Daniel Badger and R. Stephen Browning: "Title I and Comparability: Recent Developments," Clearinghouse Review, National Clearinghouse for Legal Services, vol. 7, no. 5 (September, 1973), pp. 263-265.

to all students in the school district. State funds can be used to cover expenses in excess of the per pupil expenditure level only after the school district has used local funds for bilingual programs.

This law is modeled after the new Massachusetts bilingual education law, and was advocated by various Illinois Latino groups and by the Illinois State Advisory Committee to the U. S. Commission on Civil Rights. H. Ned Seelye, Director of Bilingual Education in the Office of the State Superintendent of Public Instruction, has summarized the bill's intentions as follows:

> (1) Provide greater statutory formalization, building on existing statutory authority, of the structure within the Office of the Superintendent of Public Instruction for providing bilingual education;
>
> (2) Establish the concept that all basic subject matter courses should be taught in a language that the student understands, until such a time as he is capable of functioning in English (probably after 3 years of bilingual education);
>
> (3) Mandate by 1976 bilingual education in attendance centers with 20 or more children of limited-English fluency;
>
> (4) Liberalize certification requirements for teachers in bilingual programs;
>
> (5) Change the method of school reimbursement.[54]

According to the Office of the Superintendent of Public Instruction, the city of Chicago has, at this time, 260 attendance areas in which bilingual/bicultural programs would be required under the law.[55] Several

54. Memorandum from H. Ned Seelye to Members of the Illinois State Bilingual Advisory Council, September 14, 1973.

55. "Masterplan for Special Education Programs in Higher Education" (draft), Department for Exceptional Children of the Office of the Superintendent of Public Instruction, Appendix A, p. 2, August 1, 1973.

of the areas would also require programs for students whose first language is of European, African, and Asian origin.[56]

To date, only Massachusetts, Colorado, and Illinois have passed legislation making bilingual education mandatory. These laws have been in force only a short time, and it is difficult to predict accurately all problems that may arise in the enforcement of the Illinois law.

Based on information gathered by the Illinois State Advisory Committee, however, several current policies and practices in Illinois differ greatly from those required under the new law. Current recruitment of bilingual/bicultural personnel and allocations of local per pupil expenditures are at variance with the law's intent and provisions. The Chicago Board of Education has no affirmative action program, with goals and timetables, for hiring Latino teachers. The same is true on a statewide level, although the Superintendent of Public Instruction is reportedly developing plans in this area.[57]

Given the present practice of relying totally on State and Federal funds for the operation of bilingual centers in Illinois, the requirement of local per pupil expenditures will require significant restructuring of local district budgets. The per pupil expenditure problem may not yet be widely understood. A participant in a meeting with State Representative Charles J. Fleck, a leading supporter of Public Act 78-727 in the Illinois

---

56. Staff interview by Frank Steiner with Ms. K. Navarro, Office of the Superintendent of Public Instruction, September 27, 1973 (interview report, p. 1).

57. Department for Exceptional Children, Office of the Superintendent of Public Instruction, op. cit.

General Assembly, responded to a statement of the problem by saying: "What's the difference if local schools must pay more for the programs, all the money comes from the State anyway."[58]

The new Illinois law, however, requires local schools to use their per capita funds in new ways. Although part of the Chicago school budget does come from State revenues,[59] the expenditure of these funds has been primarily controlled by the school board itself. The new bilingual law, therefore, can have the effect of forcing local schools to pay more of the costs of bilingual programs, thus making available a larger total amount of money for bilingual education.

An example of the difference in practice can be seen by comparing Illinois, under its current bilingual law, with Massachusetts, where such a reimbursement procedure is already in force:

	1972-73 State Allocation	Students Served	Cost to State per Student
Illinois			
(bilingual education not mandatory until July 1, 1976)	$2.37 million	5,000	$474
Massachusetts			
(bilingual education mandatory now)	$2.4 million	18,000	$133

Thus, the reimbursement issue is not just a question of money, but a question of how many students will be served. With approximately the

58. Statement made during drafting of amendments to HB 1223, Public Act 78-727, May 14, 1973, (interview report, p. 1).

59. In 1971, the State provided $202,882,000 or 27.3 percent of the Board of Education Budget, through the State Distribution Fund, based on a complex daily attendance formula. These funds come with no conditions, and are separate from special program allocations by the State. See Facts and Figures (Chicago Board of Education, 1973), p. 122.

same level of State funds, Massachusetts provided 3.6 times more students with bilingual education programs than did Illinois.

Rulings From The Courts

In addition to the question of how many students could be served and the cost to the State per student, there is the constitutional question of Latinos' rights to an education. The new Illinois law, Public Act 78-727, has decided that issue legislatively in Illinois. Additional support has recently come from the Federal courts as well.

In the same year that Brown[60] was decided, overriding the "Separate but Equal" doctrine, the Supreme Court, in Hernandez v. Texas,[61] applied the Equal Protection Clause of the Fourteenth Amendment to Mexican Americans if subjected to discrimination as an identifiable ethnic group. Following Hernandez, a series of decisions held that segregating practices which discriminated against Mexican Americans violated the Fourteenth Amendment.[62] In 1970 a Federal court held for the first time that the mere fact that Mexican American students were found to be concentrated in one or more schools, gives rise to an obligation on the part of the school

60. Brown v. Board of Education 347 U.S. 483 (1954).

61. 347 U.S. 475 (1954).

62. Delgado v. Bastrop I.S.D., Civil Action No. 338 (W.D. Tex., June 15, 1948), (unreported); Gonzales v. Sheely, 96 F. Supp. 1004 (D. Ariz., 1951); Chapa v. Oden I.S.D.; Civ. No. 66-C-92 (S.D. Tex., July 28, 1967) (unreported); Hernandez v. Driscoll, Civ. No. 1384 (S.D. Tex., 1957), 2 Race Rel. L. Rep. 329 (1957).

district to restructure the method of student assignment to eliminate racial imbalance.[63]

These were primarily desegregation cases which did not raise the issue of the right to bilingual programs. However, on August 13, 1971, the U. S. District Court for the Eastern District of Texas entered an order pursuant to United States v. Texas[64] requiring the development and submission to the court of a comprehensive educational plan containing sufficient educational safeguards to ensure that all students in the San Felipe-Del Rio Consolidated Independent School District would be offered equal educational opportunities. The order stated that these "safeguards were to include...but not necessarily be limited to bilingual and bicultural programs . . . ."[65]

The recent decision by a Federal District Court in New Mexico, Serna v. Portales Municipal School Board,[66] also dealt directly with bilingual education. It is the first Federal court opinion holding that Mexican American students are entitled, as a matter of substantive constitutional right, to be educated in public schools utilizing a bilingual/bicultural program. The conclusion reached by the court, which is now on appeal, was that "these Spanish-surnamed children do not in fact have equal educational opportunity and that a violation of the constitutional right to equal pro-

63. Cisneros v. Corpus Christi I.S.D. 324 F. Supp. 599 (D.C. Tex., 1970); aff'd, 467 F. 2d 142 (5th Cir., 1972); cert. denied, 93 s. ct. 3052 (June 25, 1973).

64. 321 F. Supp. 1043 (S.D. Tex., 1971); aff'd, 447 F. 2d 441 (5th Cir. 1971); app. for stay denied, 404 U.S. 1206 (July 29, 1971).

65. United States v. Del Rio I.S.D., Civ. Action No. 5281, Aug. 13, 1971.

66. 351 F. Supp. 1279 (1972).

tection exists." In the Court of Appeals decision in Keyes v. School District No. 1,[67] the Court noted that "the [Keyes] decision held it would be a deprivation of equal protection for a school district to effectuate a curriculum which is not tailored to the educational needs of minority students...."

However, in another Federal District Court that decision was not followed,[68] so there is a split in the Circuit Courts on the question of entitlement to a bilingual education.

The issue was appealed to the Supreme Court in the case of Lau v. Nichols,[69] a suit brought on behalf of Chinese-speaking students seeking special language services from the San Francisco Unified School District. The suit was dismissed by the District Court, and the Ninth Circuit affirmed holding that the school district was under no obligation to provide compensatory language instruction, and that the plaintiffs had no right to a bilingual education. The U. S. Supreme Court, however, in a unanimous decision, held that the failure of the school system to provide English language instruction to students who do not speak English denies them a meaningful opportunity to participate in the public educational program and therefore violates the Civil Rights Act of 1964, which prohibits discrimination in programs receiving Federal financial assistance. The court did not consider the constitutional equal protection arguments advanced

67. Keyes v. School District No. 1, 445 F. 2d 990 (10th Cir. 1971); 413 U.S. 921 (1973).

68. Morales v. Shannon, Civil Action No. DR-FO-CA-14 (W.D. Tex., Feb. 13, 1973.

69. Lau v. Nichols, 483 F. 2d 791 (9th Cir., 1973): rev'd., ___U.S. ___ (1974); 42 U.S.L.W. 4165 (January 22, 1974).

by the plaintiffs, but relied solely on the Civil Rights Act of 1964 and the DHEW regulations related to that act. DHEW guidelines require schools to rectify "linguistic deficiencies" to assure that students are not denied the opportunity to obtain the education generally available to other students in the system.[70] The court found that the school district had contractually agreed to comply with these guidelines as a condition to receipt of Federal education funds.

In Illinois, Massachusetts, and Colorado, legislation has been enacted mandating local school districts to provide bilingual/bicultural programs. The focal issue now for the State of Illinois is not the legal establishment of the principle, but the implementation of State law.

---

70. 35 Fed. Reg. 11595 (1970).

IV. THE NEED FOR INSTITUTIONAL CHANGE

The enrollment of Latinos--Mexican Americans, Puerto Ricans, Cubans, and other Spanish-speaking people--in Chicago's public schools is increasing faster than that of any other group. The number of Latino teachers and administrators, however, is miniscule. For instance, the overall student-teacher ratio for whites is 11 to one. For Latinos, it is 150 to one. Thousands of Latino students in Chicago attend schools where there are no teachers of similar cultural and linguistic background. Furthermore, the national origin backgrounds of the few Latino teaching personnel employed by the Chicago Board of Education are not proportional to those of Latino students. Hiring patterns of Latino teachers through 1972-73 indicated that this continues to be the case. Latino students are heavily enrolled in several Chicago school districts, and well-represented in each of the three overall administrative areas. However, no Latino administrator heads either a district or area office.

The Chicago Board of Education has provided virtually no local financial support to bilingual/bicultural programs in the past. The Board has consistently deferred to State and Federal sources when demands for more bilingual programs have been made. As a result, only a small number of students who need bilingual education have received it. The Chicago Board of Education must begin to use local resources for the educational needs of Latino students and after July 1, 1976, it will be illegal for the Board not to do so.

To achieve effective bilingual programs, two vital factors require institutional change: the allocation of local per capita funds to meaningful programs for Latino students and the proper enforcement of the new State bilingual program.

An analysis of the local school district's fiscal effort implies that, despite an average expenditure of $1,043.09 per pupil, the bulk of this money is not being spent to meet the educational needs of Latino students.[71] This raises the question of where the money goes if it does not benefit Latino students. This question is only partially answerable on the basis of testimony and other evidence received by the Illinois State Advisory Committee.

Part of the answer is obvious, since approximately two-thirds of per pupil costs are reportedly used for teacher salaries. The data on Latino teachers makes it clear that, especially for Latinos with limited English-speaking skills, the money spent to pay their teachers is of very little benefit.

An affirmative program to secure effective use of per capita funds for Latinos' education will require changes in the administration of schools by local principals, and in many of the Board of Education's operations to ensure public accountability.

Local "Principal Power"

The local principal's pervasive control over his school often means that there is no guarantee that funds are appropriately used for students'

71. See Exhibit XV, p. 60.

needs, or are even actually used. An example of this is the case of bilingual curricula developed by the Board of Education's Department of Curriculum. Representatives of the Curriculum Department displayed numerous new publications designed for use in teaching Latino students. The Advisory Committee was impressed by the scope of subject matter and by the fact that some Latino input (from both Board employees and the Latino community) had been solicited. It was impossible to determine, however, how widely the material is actually being used by teachers or whether it is used at all.

The Illinois State Advisory Committee was told that the Department of Curriculum has "staff" rather than "line" authority: it recommends but cannot compel the use of any particular curricular device. The Department includes a research and evaluation division, but the division is not staffed.[72] Such a component could lend more authority to the Department's recommendations. Many teachers, however, reportedly ignore the Department's advice, and the Advisory Committee received no evidence that use of the Department's bilingual material is a factor in evaluating performance of teachers or principals.

Testimony of many community representatives and employees of the Board of Education confirmed the nearly unlimited power of a principal to "do what he wants" with the school to which he is assigned. According to one official (a former principal), the principal must be "free to design his instructional program to best meet the particular needs of students in

72. Testimony of Dr. Lorraine Sullivan, Director, Department of Curriculum, Board of Education, before the Illinois State Advisory Committee, October 27, 1972.

his or her school."[73] The Advisory Committee found that principals are free to design their school's programs, but received much evidence that the resulting programs do not meet the needs of Latino students.

Contributing to "principal power" in Chicago's schools is the low level of monitoring by higher authority in the "line." Only within the last several years has the Board required annual evaluation of principal performance through mutual goal-setting between the principal and the immediate superior, the district superintendent. This evaluative process (the "Performance Appraisal Plan") was generally described by Board personnel as "an attempt to get a yearly statement of each principal's goals and objectives." Two district superintendents appeared to disagree during the Advisory Committee's open meeting whether community involvement in the process was mandatory, but agreed that student involvement in establishing the principal's goals depended on "the sensitivity of the individual principal."[74]

The principal, therefore, is formally accountable only to a limited degree. It is nearly impossible to determine to what extent his or her power is used to benefit Latino students. The Advisory Committee heard testimony from several principals which indicated that at least a few have used their power creatively by reorganizing virtually their entire programs

73. Staff interview by Frank Steiner with Richard Tygielski, Director, Departmental Program Coordination, Dept. of Government Funded Programs, Board of Education, January 29, 1973 (interview report, pp. 3-4).

74. Testimony of Edmund Daley and Joseph Lee, Superintendents of District 6 and 19, respectively, before the Illinois State Advisory Committee, October 28, 1972.

to meet Latino's educational needs. Because of the lack of formal accountability, however, Board officials could not cite any system-wide data showing the precise use of per capita funds for Latino students.

Local Teacher Certification

At the State level, one intent of Public Act 78-727 is to liberalize teacher certification for bilingual personnel.[75] The law temporarily removes the citizenship requirement for certain bilingual applicants, and has flexible criteria for previous experience and training of bilingual personnel.

Several other barriers exist, however, to the hiring of more bilingual/bicultural teachers in Chicago. One is the likelihood that local criteria and procedures for teacher certification will continue to be more rigid than State requirements.[76] Another is the problem of recruitment of applicants and the small number of Latinos currently enrolled in Illinois colleges.

The Illinois State Advisory Committee received no evidence that the Board of Education has established any kind of affirmative action program that includes quantifiable goals, a timetable for their achievement, and plans for changes in teacher recruitment practices.

---

75. Public Act 78-727, Sec. 14C-8.

76. Compare Teacher Certification Requirements, Chicago Board of Education, and Article 21, Illinois School Code. Section 14C-8 of Public Act 78-727, which liberalizes certification requirements, as presently written, does not include Chicago. Attorneys have concluded that the Act must be amended for Chicago to participate in the liberalized criteria; W. Winter, Memorandum on Whether the Mandatory Provisions of the Transitional Bilingual Education Act (Public Act 78-727) Apply to the City of Chicago, unpublished manuscript, November, 1973.

In recruiting Spanish-speaking teachers, principals must often make extraordinary efforts if they are to respond to the needs of Latino students. One Anglo principal, who was also independently involved in a local community organization, testified that he regularly searched for possible Latino teachers through speaking engagements and community contacts. He said that the Board of Education had never refused his request for a Latino teacher when a vacancy needed to be filled in his school.[77] Other principals, however, apparently have been less successful. Many believe teacher-assignment to be beyond their influence.[78]

The Illinois State Advisory Committee received reports that many Latinos qualified to teach were not being recruited, or, once hired, were assigned subjects unrelated to the current needs of Latino students. There are training programs for Latino teachers to enable them to meet existing certification requirements, but the Chicago Board of Education has not yet attempted to change local certification requirements.

Public Accountability

In March 1971, a convention of business leaders, teachers, students, and community representatives, known as EDUCON, issued recommendations covering many areas of Chicago school policy and practice. Their "State-

77. Testimony of Stanley Smith, Principal of Von Humbeldt Elementary School, October 27, 1972, before the Illinois State Advisory Committee.

78. Staff interview by Frank Steiner with Ned Seelye, Director of Bilingual Education, Office of the Superintendent of Public Instruction, State of Illinois, January 31, 1973 (interview report, p. 2).

ment of Educational Objectives and Priorities of Business"[79] called for major reorganization of Board operations to make them more publicly accessible, especially to the consumers of educational services. In particular, the statement indicated a clear concern for better fiscal accountability, a key problem in the transition to a linguistically and culturally pluralistic school system, and in the implementation of Public Act 78-727.

The use of "principal power" has aroused an equally strong demand among parents for greater accountability. According to a study by the Chicago Tribune,[80] 25 principals have been removed from their posts as a result of community pressure since 1966. Twenty of the changes have occurred since 1970, two of those being in schools having over 50 percent Latino enrollment. The most recent case occurred at Tuley High School, where 67 percent of the students were Latinos in 1972-73.

Community protests aimed at principals can be seen as attempts to evolve a degree of accountability "from the bottom up" by parents and community leaders. The Board claims that all local principals must operate now with parent advisory groups.[81] Formal and legal authority, however, is decentralized only as far "down" as the principal. Furthermore, as reported, what he or she does with that power is often never known at "higher" levels in the line.

---

79. Available through Dr. Clyde Carter; Peat, Marwick, Mitchell and Co., Chicago.

80. Edith Herman, "Principals: New Victims of Protest," Chicago Tribune, Feb. 11, 1973, Section 1, p. 8.

81. Staff interview with Richard Tygielski, op. cit., p. 4.

The Illinois State Advisory Committee has concluded that, without significant institutional changes in the Board of Education's certification reporting, evaluation, and overall accountability mechanisms, it will be difficult to assure meaningful education of Latino students in the Chicago public schools.

V. SUMMARY AND CONCLUSIONS

Federal laws and regulations, and the findings of many educational researchers have established the importance of developing culturally and linguistically pluralistic staffs and programs for Latino students. They have also shown the damaging effects on students of forcing them to deny their cultural and linguistic backgrounds. However, a pluralistic education program does not yet exist in Chicago's public schools, and the results appear to be the systematic denial of the rights of the Latino students to an education.

The ways in which this occurs include:

(a) consistent under-estimation of Latino students' abilities through cultural and linguistic bias in testing and placement (both in regular and "special education" classrooms);

(b) denial of opportunity for adequate bilingual/bicultural instruction to 36,000 Latinos for whom English is a second language;

(c) faulty communication between Latinos and all levels of the school system; and

(d) denial of due process in adjudication of disciplinary cases.

These and other actions by the schools are apparently the central causes of several conditions, including:

(a) a "special education" enrollment figure totally inconsistent statistically with current educational research on mental handicaps, implying the infliction of major psycho-social injury on thousands of minority students, especially blacks, Mexicans, and Puerto Ricans;

(b) actual regression in achievement among Latino students, far below city-wide norms;

(c) increasing alienation of students, parents, and Latino community leaders from the educational institutions;

(d) existence of a large "dropout" population which was forced to choose between the schools and the streets, and, in effect, had no choice.

Consequently, the schools appear to be violating the rights of students to an education because of their cultural and linguistic characteristics.

The Illinois State Advisory Committee strongly believes that a system-wide program of bilingual/bicultural education should be instituted in the Chicago schools. The program should serve all Latinos and others desiring to participate, and should be accompanied by the elimination of all cultural and linguistic discrimination existing throughout the system's operations.

On July 1, 1976, Public Act 78-727 will go into effect in Illinois, making bilingual/bicultural education mandatory in all schools having 20 or more students whose first language is not English. The proper enforcement of this law should lead to the establishment of programs which honor the rights of Latinos to an education.

The hiring of many more Latino teachers and greater fiscal disclosure are two key requirements if the Board of Education is to comply with the new mandatory bilingual education law. Perhaps most importantly, local school districts must be prepared to provide full, per capita funding to the mandated bilingual centers by July 1, 1976. This is required under Public Act 78-727 before local districts can be eligible for State reimbursement for bilingual education. These necessary changes mean that vigorous State enforcement of the new law and the development of strong State regulations are essential if the law is to have its intended effect.

In summary, the basic purpose of the school is to educate children. Indeed, the State believes that education is so important it requires all children to go to school, and all taxpayers to finance their education. Children and taxpayers have a right, therefore, to a system that educates.

The information presented to the Illinois State Advisory Committee to the U. S. Commission on Civil Rights indicated that most Latino students in Chicago are denied this basic right to a system that educates. In effect, the Chicago school system responds to tens of thousands of bilingual students with classes that make little pretense of teaching Latino children. When parents and others urge the schools to make an effort to meet the needs of Latino children, the system responds that outside money is needed because local funds are consumed by a system that is not organized to educate Latino students. The ultimate result of such discrimination against one ethnic group is a climate of injustice, resentment, and institutional neglect of the rights of all students.

VI. FINDINGS AND RECOMMENDATIONS

Finding 1: Equality of educational opportunity is denied to Latino students by Chicago Public Schools, through lack of bilingual/bicultural instruction for all but 7 percent of those students. This may constitute a violation of Latinos' civil rights under Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), Brown v. Board of Education,[82] 347 U.S. 483 (1954), and Lau v. Nichols;[83] and the May 25, 1970 Memorandum of the Director, Office of Civil Rights, Department of Health, Education, and Welfare. The use of per capita funds to provide services which are inappropriate to the cultural and linguistic identities of Latino students may constitute a denial of the latter's constitutional rights under the equal protection clause of the 14th Amendment to the United States Constitution. On July 1, 1976, local schools in Illinois having more than 20 students for whom English is a second language will be required under Public Act 78-727 to offer those students bilingual/bicultural programs. The new law will also require schools to use local funds for the programs required under the Act, up to the per capita expenditure level prevailing in the local school district.

Recommendation 1: The Illinois State Advisory Committee commends the Illinois General Assembly and Governor Dan Walker for the recent enactment of Public Act 78-727, making bilingual/bicultural education mandatory in Illinois schools.

---

82. 347 U. S. 483 (1954).

83. 483 F. 2d 791 (9th Circuit, 1973); reversed, ___U. S. ___(1974); 42 U.S.L.W. 4165 (January 22, 1974).

Because of the gravity of injustice which the new law could help correct, the Advisory Committee recommends that its implementation and enforcement be a matter for special legislative and executive oversight by the General Assembly and the Governor's office. Specifically, this should include regular reports from the Office of the Superintendent of Public Instruction (more than annually) to the General Assembly, the Governor, and the public on actual progress toward full implementation of the law by July 1, 1976, its effective date. Such reports should include goals and timetables for their achievement, for all agencies affected, locally and statewide, and should include teacher recruitment, certification, and hiring, and local per capita expenditures for bilingual/bicultural programs.

Finding 2: The establishment of effective bilingual/bicultural education programs in local school districts will require significant changes in several areas including the numbers and training of Latino teaching personnel, curriculum, instructional methods, and test instruments. Sources of expertise to assist in making such changes include the Bilingual Education Section of the Office of the Superintendent of Public Instruction of Illinois, and the State of Massachusetts Department of Education, among others.

Recommendation 2: The Illinois State Advisory Committee recommends the establishment of rigorous administrative regulations by the Office of the Superintendent of Public Instruction covering all areas of local educational policy, personnel, and procedures which must undergo change to deliver effective bilingual/bicultural education to all students whose first

language is other than English. Such rules and regulations should draw on the experience of other agencies, public and private, including the State of Massachusetts Department of Education, and should require local school districts to set timetables for achievement of all necessary changes. Latino parents and students should participate in the planning and development of bilingual/bicultural education programs.

Finding 3: Educational researchers have found that Latino students often experience damaging discrimination because of cultural differences which exist between them and public school teachers. Under current Illinois State Bilingual Programs, regulations require teachers and aides in bilingual programs to be bilingual and bicultural in the predominant language and culture of the target student population. However, under the Illinois Bilingual Education Act to become effective July 1, 1976, teachers in bilingual programs are not required to be bicultural.

Recommendation 3: The Illinois State Advisory Committee recommends to the Illinois General Assembly that Public Law 78-727 be revised to require teachers in mandatory State bilingual education programs to be bilingual and bicultural in the predominant language and culture of the target student population. The Advisory Committee further recommends to the Office of the Superintendent of Public Instruction that current State regulations requiring biculturality in teachers in bilingual education programs be retained and enforced until those regulations are superseded by the new law.

Finding 4: The crucial need for bilingual/bicultural teachers requires that no capable Latino teachers be excluded by arbitrary certification

requirements. Section 14C-8 of Public Act 78-727 does liberalize present State certification requirements, but the section on its face excludes Chicago. In addition, special certificates issued under the relaxed requirements of section 14C-8 are issuable only during the two years immediately following the effective date of the act and are valid only for a period of six years following their date of issuance.

Recommendation 4: To make meaningful the promise of education for Latino students, the Illinois State Advisory Committee recommends that present teacher certification requirements be relaxed and a vigorous bilingual/bicultural teacher preparation strategy be developed statewide to increase the supply of bilingual/bicultural teachers. The Illinois General Assembly should amend section 14C-8 of Public Act 78-727 to include Chicago under its liberalized certification requirements and should remove the limitations on both the availability and the duration of special certificates.

Finding 5: The commitment of the Chicago Board of Education to the recruitment, training, and certification of bilingual/bicultural Latino teachers of appropriate national origins is extremely limited. The system-wide ratio of Latino teachers to Latino students is over 150 to one, as opposed to 11 to one for Anglos. Recruitment of Puerto Rican teachers, in particular, has been of small success, focusing on trips by administrators to the island of Puerto Rico. A large Puerto Rican population now resides within the city of Chicago.

Recommendation 5: The Illinois State Advisory Committee recommends that the Chicago Board of Education initiate, now, an intensive affirmative

action program for the recruitment and certification of bilingual/bicultural Latino teachers with the goal of bringing the proportion of Latino teachers up to that of Latino students within the total enrollment (11.1 percent in 1972) by the year 1983. Such a plan should require the hiring of at least 200 Latinos per year for four years (less than 7 percent of the annual turnover rate of 3,000 in Chicago schools), and should --

a. focus on Chicago-area resident Latinos as a first priority;

b. insure that by 1978, the representation of each Latino national origin group within the total of Latino teachers is reasonably proportionate to that group's representation among all Latino students;

c. include appropriate revision of teacher certification criteria, making them job-related; and

d. include periodic public progress reports, issued in appropriate languages.

Finding 6: The geographical distribution of Latino students is nearly system-wide, with significant enrollment in each of the three geographical administrative areas. There are, however, no Latinos in positions of area or district superintendent. Overall planning and coordination of services for Latino students is lacking.

Recommendation 6: The Illinois State Advisory Committee recommends that the Chicago Board of Education establish an affirmative action program for the hiring of Latinos at the levels of principal, district and area superintendent, and other administrative positions. Such a program should include specific timetables, periodic public bilingual progress reports, and have the goal of raising Latino representation in administrative

positions to at least the level of their representation in student enrollment.

Finding 7: Illinois Public Act 78-727 requires the use of available per capita monies to pay for bilingual/bicultural programs for Latino students, rather than for services inappropriate to their needs. However, current methods of reporting the use of per capita funds by Chicago public schools do not accurately report what proportion of per capita funds result in actual use of bilingual/bicultural personnel and resources in the schools.

Recommendation 7: The Illinois State Advisory Committee recommends that the State Superintendent of Public Instruction require each local school district having Latino students to issue, at least annually, Report of Effective Per Capita Expenditures for Latino Students, giving the extent of actual classroom use of bilingual/bicultural personnel and resources which are paid for with per capita monies. Such reports should--

a. include school by school breakouts as well as district-wide totals;

b. include, for each school and overall, calculation of effective per capita expenditures for Latino students;

c. be checked regularly for accuracy by auditors for the State of Illinois, based on Standards for Audit of Governmental Organizations, Programs, Activities, and Functions, issued by the Comptroller General of the United States (1972 revised edition);

d. be issued, in both Spanish and English versions, to the major English and Latino-oriented public media in the school districts' respective localities; and

e. be used by the Superintendent of Public Instruction and the general public as one measure of progress of local school districts toward compliance with Public Act 78-727.

Finding 8: Latino, black, and American Indian students are significantly over-represented in self-contained classes for the mentally handicapped in Chicago public schools. This implies possible racial, cultural, and linguistic bias in some or all of the areas of referral for testing, test instruments, and interpretation, and assignment to "special education" classes. Further, it has been scientifically shown in other states that non-biased test instruments can be devised. When used in the retesting of minorities placed in classes for the mentally retarded, these tests have succeeded in bringing special education enrollment figures for minorities down to the same levels as their enrollment in total school population. Analysis of placement data indicated that the number of minority students in Chicago's schools misclassified as mentally retarded is over 5,000 students. The legal burden of proof in this case is on the Chicago Board of Education to show that this classification is not a violation of the rights of these students to equal protection of the laws under the 14th Amendment to the United States Constitution.[84]

Recommendation 8: The Illinois State Advisory Committee recommends that the Chicago Board of Education retest now all students placed in "special education" classes for the mentally handicapped, beginning with Latinos and blacks. Such retesting should be:

84. See Hobson v. Hansen, 269 F. Supp. 401 (D.D.C., 1967), aff'd sub nom. Smuck v. Hansen, 408 F. 2d (D.C. Cir. 1969); Larry P. v. Wilson Riles, 343 F. Supp. 1306 (N.D. Cal. 1972); Diana V. State Board of Education, No. C-70-39 RFP, (N.D. Cal., 1973); Stewart v. Phillips, No. 70-1199-F (D. Mass. 1970); and related cases.

a. conducted with test instruments sensitive to the unique cultural, linguistic and socio-economic characteristics of the respective students;

b. should include tests of adaptive behavior as well as intellectual functioning; and

c. should be conducted and evaluated by personnel of the same cultural/linguistic background and facility as the students being retested.

Finding 9: The State School Code and regulations concerning placement of the mentally retarded do not require culturally pluralistic testing procedures for placement in "special education" classes. Furthermore, the section of the School Code requiring testing in students' first language often is not enforced locally.

Recommendation 9: The Illinois State Advisory Committee recommends that the Illinois General Assembly amend the State School Code in the following ways:

a. making culturally and linguistically pluralistic test instruments, procedures, and personnel mandatory for placement of handicapped students;

b. requiring retesting, by the new standards, of all students previously placed under the old standards; and

c. requiring retesting to be followed by re-assignment of students found to have been wrongly diagnosed to more appropriate educational programs; and development and enforcement of a timetable by the Office of the Superintendent of Public Instruction for completion of retesting by each local school district.

Finding 10: There is currently a lack of Federal civil rights enforcement activity in schools in the area of discrimination on the basis of language and culture. The Office for Civil Rights, Department of Health,

Education, and Welfare, is equipped and empowered nationally to review special education testing and placement procedures under Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U. S. C. 2000d), and the May 25, 1970, Memorandum of its director. Such action, however, has not occurred in Chicago pursuant to an agreement between HEW and the U. S. Department of Justice, giving the latter sole jurisdiction over Federal civil rights enforcement in relation to Chicago's schools.

Recommendation 10: The Illinois State Advisory Committee recommends that the Office for Civil Rights, Department of Health, Education, and Welfare, re-establish its actual jurisdiction over Federal civil rights enforcement in Chicago's Public Schools, in order to do a complete review of possible discrimination against Latinos and other minorities on the basis of language, culture, and race. Such a review should include a total investigation of apparent civil rights violations of students in special education testing and placement. If, through such a review, it is determined that such violations do exist, as believed by this Committee, DHEW should take steps to bring the Chicago Board of Education into compliance with the Constitution and laws of the United States of America.

APPENDIX A
Special Education Data Summarized by Racial Groups.

p 92 deleted in interest of pricing

The following analysis is based on Racial Survey of Special Education Teachers and Pupils, Chicago Board of Education, March 31, 1971. (See section on testing pp. 28-39)

I. American Indian

A. Although there are only 1,042 Indian students in Chicago public schools, 212 or approximately one in five are in Special Education classes. This is the highest proportion of any group.

B. Further, about 153 Indian students, or 72 percent of the 212, are in categories of physical impairment; 108 are classified as "orthopedically handicapped."

II. Black

A. There are 316,711 black students, or 54.8 percent, enrolled in Chicago public schools; yet this racial group constitutes 67 percent of the total Special Education population. There is almost a perfect correlation of physically handicapped black students (52.8 percent) with the total black enrollment. In areas of non-physical impairedness, however, blacks constitute 71.2 percent - a gross overrepresentation. For every 10 black students in Special Education, every two (18 percent) are categorized as physically handicapped and eight (82 percent) are in non-physical handicapped classes.

B. See Exhibit XI (page 37) and text on page 36 for other examples of apparent overrepresentation of blacks in certain Special Education classifications.

III. Asian American

A. This racial group with 3,833 students constitutes .7 percent of the student population and .1 percent of Special Education classes. Of the 35 Asian Americans in Special Education, 22 are in classes for the physically handicapped. Of the 13 in special classes for the non-physically handicapped, 3 are classified as "Socially Maladjusted."

IV. Mexican American

A. The 24,066 Mexican American students constitute 4.2 percent of the total student population and 3.2 percent of Special Education. Similar to the situation of black students, two out of 10 (22 percent) are in physical handicapped categories and eight out of 10 are in other classifications.

B. Of the 536 Mexican American students placed in the non-physical handicapped category, 88 percent are in EMR or Moderate Learning Disabilities, and none are in the category of Brain Injured/Severe Learning Disabilities.

V. Puerto Rican

A. The 26,176 Puerto Rican students constitute 4.5 percent of the Chicago public school population and 5.2 percent of the Special Education classes. Comparable to black and Mexican American students, eight (79 percent) are in classes for reasons other than physical handicaps.

B. Only 3 of the 889 Puerto Rican students in the non-physical handicapped category are in the Brain Injured group.

C. Ten percent (86) of these 889 students are classified as "Socially Maladjusted."

VI. Cuban

A. The 2,673 Cuban students constitute .4 percent of the school enrollment and .2 percent of the Special Education classes. The ratio of the 45 Cuban students in classes for physically handicapped and classes for non-physically handicapped is 35 percent to 65 percent.

B. There are only 3 Cuban students, or approximately .1 percent, who are classified as "Socially Maladjusted."

VII. Other Spanish-Speaking

A. This group constitutes .6 percent of the Chicago schools and .3 percent of Special Education and their ratios closely parallel those of the Cubans.

APPENDIX B
Correspondence with Board of Examiners
Chicago Board of Education

UNITED STATES COMMISSION ON CIVIL RIGHTS

Washington, D. C. 20425

p. 95 96 deleted in interest of pricing

NOV 3 1972

Dr. Morton L. Elenbogen
Vice-Chairman Board of Examiners
228 North La Salle Street
Chicago, Illinois 60601

Dear Dr. Elenbogen:

Please accept our apologies for our failure to provide sufficient time to receive your testimony at the recent hearings on developments in the field of civil rights in the State of Illinois, held by the State Committee to the United States Commission on Civil Rights.

As you know, it was our purpose to obtain information from your agency regarding the process of, certification and employment presently utilized by the Board of Examiners and its immediate effects for the Spanish-speaking community.

To this effect we are forwarding a questionnaire, which may be answered at your earliest convenience.

Your cooperation on this matter is of substantial significance to the Commission and will be greatly appreciated.

Sincerely,

John L. McKnight

JOHN L. MC KNIGHT
Chairman

Enclosure

QUESTIONS:

1. Briefly, describe the duties and responsibilities of your position .

2. In construing examinations, what validation system is used?

    a. what are the tests supposed to measure?
    b. what law or directive requires testing?
    c. what do you believe to be the rationale for maintaining this system?

3. Do you know whether or not minority applicants, particularly Spanish-speaking persons, pass or fail the examinations at the same rate as majority groups?

    a. what records are kept?
    b. please submit a copy of those records for 1970, 1971, and 1972.

4. Are persons who pass the examinations given a ranked listing by scores?

    a. is there any difference by race or ethnicity in scoring?

5. What is the selection and hiring process used for teachers, paraprofessionals and guidance personnel?

6. Who makes the decision to hire?

7. Who must concur?

8. How many Spanish speaking teachers have been certified each year? (1970, 1971, 1972)

    a. list any State licensing requirements?
    b. list any city licensing requirements?
    c. how many Spanish speaking teachers have been hired to teach in bilingual programs?
    d. total number of certifications each year.
    e. how many teachers are on the waiting list?

9. How many teachers are presently enrolled in the system?

10. What is the ethnic composition of the teaching and supervisory staff in Chicago?

11. What is the turnover rate of teachers yearly? (List separately for 1970, 1971, and 1972)

12. How does this affect the curriculum?

13. How many teachers decline the job after it is offered?

    a. reasons stated?

14. How many of the teachers on the ranking lists have bilingual capability?

15. Are any special bilingual licenses or positions created or set aside?

16. Does the Board of Examiners keep track of those taking the test? Pass-fail rates? Annual appointments by ethnicity? (If such records are not kept, state reasons?)

17. How many Spanish speaking persons are involved in the preparation and administration of examinations?

18. Is the material in the examinations based on job description or on the opinion of testing experts?

19. How long does it take to notify the examination results?

20. Please comment on the selection and certification process?

21. Has this applicant test been challenged in court?

    a. when?
    b. present status of litigation?
    c. issues in controversy?

22. Is there any liaison with colleges and universities to create skills needed in the school system?

JAN 12 1973

BOARD OF EDUCATION
CITY OF CHICAGO
228 NORTH LASALLE STREET
CHICAGO, ILLINOIS 60601
TELEPHONE 641-3926

BOARD OF EXAMINERS
JAMES F. REDMOND, CHAIRMAN
MORTON L. ELENBOGEN, VICE CHAIRMAN
FRANK W. GARDNER, SECRETARY

January 8, 1973

Mr. John L. McKnight, Chairman
U. S. Commission on Civil Rights
219 S. Dearborn Street, Room 1428
Chicago, Illinois 60604

Dear Mr. McKnight:

The Board of Examiners hereby submits its responses to the questions raised in your questionnaire which came as a follow-up to your hearing on Problems in the Spanish-speaking community.

1. Under Illinois School Code Secs. 34-83, 84 (Ch. 122, Par. 34-83, 84, Ill. Rev. Stats. 1971), the Board of Examiners of the Board of Education of the City of Chicago has been established to examine all applicants required to hold certificate to teach and to prepare all necessary eligible lists resulting from such examinations.

2. Content validity.

   a. The examinations are required to test the "character, scholarship and general fitness" of candidates for certificates to teach.

   b. The above cited School Code Secs. 34-83, 84, were enacted to create an independent and impartial board of educational experts to conduct teacher certificate examinations (People ex rel. Cook v. Board of Education, 295 Ill. App. 41).

   c. Teachers should be screened to insure a degree of mastery of subject matter that they are required to teach and other attributes necessary for effective teaching.

3. Records of test results are kept, but do not indicate ethnic background. Ethnic background is not a question on our applications. Illinois School Code, Sec. 24-4 bars inquiry into

color, race, nationality of persons seeking employment or assignment in the school system. The Board of Examiners has never kept records by race, color or nationality.

4. A list of eligible candidates is available in the Personnel Department of the Chicago Board of Education.

a. There is no difference by race or ethnicity in scoring. Illinois School Code Sec. 34-83 requires the preparation and maintenance of eligible lists of successful candidates.

5-7. Under School Code 34-8, appointments, promotions and transfers of all employees in the teaching force are made only upon the recommendation of the general superintendent of schools or by a majority vote of the full membership of the board. Under Sec. 34-83 appointments are made by merit only and after satisfactory service for the probationary period of three years. Such appointments become permanent subject only to compulsory retirement at age 65, rules of the Board concerning conduct and efficiency, and removal for cause after trial on charges.

8. Records do not indicate number of Spanish speaking teaching certificates issued.

a. School Code Sec. 21-1 requires that persons certified to teach or supervise in the public schools of Illinois should be of good character, health, a citizen of the United States, (or declaration of intent to become a citizen), 19 years of age, and to be the holder of a certificate of qualification issued by the Board of Education.

b. There is no city licensing requirement.

c. Hiring is not a function of the Board of Examiners.

d. Certifications are not listed by ethnic group.

e. Waiting lists are not kept in the office of the Board of Examiners.

9-15. Questions are not related to responsibilities of the Board of Examiners.

16. The Board of Examiners does keep records of pass/fail, but not by ethnicity. Illinois School Code, Sec. 24-4 bars inquiry into color, race, nationality of persons seeking employment or assignment in the school system. The Board of Examiners does not keep records by race, color or nationality.

17. The Board of Examiners is currently using the Educational Testing Service for preparation of Spanish examinations, and persons preparing and administering examinations are not known to this office.

18. Material in the examinations is based both on job description and the opinion of testing experts.

19. Examination results are usually received within 4 to 6 weeks.

20. The certification process is objective and applies to all candidates equally. It provides for alternate routes. (See Circular of Information, pp. 3-5).

21. a. The law relating to the Board of Examiners has been challenged in People ex rel. Cook v. Board of Education, 295 Ill. App. 41 (1938), People ex rel. Loughry v. Board of Education, 342 Ill. App. 610 (1951), Mack v. Board, U. S. District Court, Northern District of Illinois.

b. All of these cases upheld the law and examination procedure and all of these cases are finally disposed of.

c. The Cook and Loughry cases were suits by unsuccessful candidates challenging the examination process. In the Mack case the plaintiff contended that the examination process discriminated against minority groups.

22. There is communication with colleges and universities to create skills needed in the school system.

Morton L. Elenbogen
Vice Chairman
BOARD OF EXAMINERS, City of Chicago

APPENDIX C

Correspondence With Bureau of Teacher Personnel
Chicago Board of Education

JUL 2 1973

BOARD OF EDUCATION
CITY OF CHICAGO
228 NORTH LASALLE STREET
CHICAGO, ILLINOIS 60601
TELEPHONE 641-4141
JAMES F. REDMOND
GENERAL SUPERINTENDENT OF SCHOOLS

YMOND C. PRINCIPE
ECTOR
EAU OF TEACHER PERSONNEL
EPHONE 641-4220

June 29, 1973

Mr. John L. McKnight
Chairman
Illinois State Advisory Commission
Midwest Regional Office
United States Commission on Civil Rights
219 South Dearborn Street Room 1428
Chicago, Illinois 60604

Dear Mr. McKnight:

This is to acknowledge receipt of the questionnaire you asked to be completed by this office.

Below you will find responses where we had available information or where we were able to gather it without having you wait any longer.

Question 1. "What is the responsibility of the Bureau of Teacher Personnel" "a. focus b. purpose"

The Bureau of Teacher Personnel is charged with the responsibility of the implementation of the Rules of the Board of Education as they relate to future, present and past employees of the Board who have been issued teaching certificates by the Board of Examiners.

a. The primary focus of the Bureau of Teacher Personnel is to place the most qualified individual into a vacancy appropriate to the certificate he was issued by the Board of Examiners.

b. The primary purpose for the existence of the Bureau of Teacher Personnel is to provide educational personnel services to the field.

Question 2. "Do job descriptions exist for all positions in the school system? Are these job descriptions used to develop examinations? By whom are examinations developed?"

Job descriptions for positions other than teaching positions are advertised every Friday in Personnel Bulletins. There are no examinations for positions other than teaching positions and principalships. All examinations for teaching and principal certificates are developed by the Board of Examiners.

Question 3. "Why are teacher lists ranked? Do you favor this approach to obtaining the best teaching staff? Please explain.
a. Do you have an opinion as to why there are so few Puerto Rican and Hispanic teachers?

In accordance with Sections 34-83 and 34-84 of the Illinois School Code, Eligible Lists are prepared by the Board of Examiners and appointments shall be made for merit only. The examination itself results in a numerical accomplishment record. There is a numerical minimum below which an applicant may not score. Successful candidates are then assigned to vacancies appropriate to their certificates in rank order; however, many other factors are taken into consideration in order to make the best possible placement.

In addition it should be noted that teachers are ranked in compliance with Section 34-83 of the School Code of Illinois which states, "The Board of Examiners shall hold such examinations as the Board of Education may prescribe, upon the recommendation of the General Superintendent of Schools, and shall prepare all necessary eligible lists, which shall be kept in the office of the General Superintendent of Schools and be open to public inspection."

Section 34-84 of the School Code further provides that; "Appointments and promotions of teachers, principals and other educational employees shall be made for merit only..." The establishment of lists and ranking thereof is in response to satisfying the requirements of Section 34-84.

a. The Department of Personnel through its Recruitment Division is concentrating its efforts in the recruitment of Puerto Rican and Hispanic teachers. The increase of Puerto Rican and Hispanic teachers is beginning to be noted.

Question 4. "What affirmative steps has your department taken to increase the number of Puerto Rican, Hispanic, and bilingual teachers and staff?
a. How many bilingual teachers were appointed this year? How many of these were appointed from the National Teacher Examinations? How many were appointed from out-of-state and Puerto Rico?"

The provisions contained in Section 24-4 of the Illinois School Code prohibit consideration of color, race, nationality and religion in the assignment of any person to an office or position or to any school in the school system, which prescribe the penalty for violation thereof.

The Bureau of Teacher Recruitment has an ongoing program of recruitment of Puerto Rican and Hispanic teachers each year at the following locations:

University of Puerto Rico, Rio Piedras, Puerto Rico
Inter-American University - Hato Rey & San German, Puerto Rico
Catholic University - Ponce, Puerto Rico
New Mexico Highlands U. - Las Vegas, New Mexico
U. of Albuquerque - Albuquerque, New Mexico
U. of N. Mexico - Albuquerque, New Mexico
Eastern N. M. U. - Portales, New Mexico
New Mexico State U. - Las Cruces, New Mexico
Pan American U. - Edinburg, Texas
Texas A & I Univ. - Kingsville, Texas
Texas Woman's University - Denton, Texas
U. of Texas at Austin

In addition, advertisements are placed in daily newspapers in the areas listed above, and experienced persons are recruited for positions in the school system, as teachers, psychologists, and social workers.

Through cooperation with local universities the Bureau of Teacher Recruitment and Student Teaching places Puerto Rican and Hispanic student teachers, most of whom later accept teaching positions. The Chicago Public School system cooperates with the University of Illinois - Circle Campus Teacher Corps placement of 40 bilingual-bicultural interns in schools where the enrollment is predominatly Spanish-speaking. Through the Career Opportunities Program Spanish-speaking teacher aides are recruited for teacher education training and placement in a public school. Presently 20% of the teacher aides in this program are Puerto Rican or Hispanic.

a. Approximately 50 bilingual teachers were appointed for the 1972-1973 school year.

Question 5. "How many paraprofessionals are on "new career" ladders? What requirements must they meet to get appointments? How many of the paraprofessionals are Puerto Rican? How many are Mexican American?"

The provisions contained in Section 24-4 cited in Question No. 4 above also apply here.

We have two programs that are on career ladders:

a. Model Cities Program b. Career Opportunity Program

a. Model Cities Program

Question - How many paraprofessionals are on "new career" ladders?
Answer - The Model Cities Program has a career lattice and upgrades their aides by 30, 60, 90 semester hours of accredited college work.
Question - What requirements must they meet to get appointed?
Answer - Must be residents of Model Cities Target Areas and must apply and be screened by Model Cities local advisory councils.
Question - How many of the paraprofessionals are Puerto Rican?
Answer - 6 are Puerto Rican.
Question - How many are Mexican-American?
Answer - 3 are Mexican-American.

b. Career Opportunity Program

Question - How many paraprofessionals are on "new career" ladders.
Answer - Career Opportunity Program has 250 aides that work in Target Areas enrolled.
Question - What requirements must they meet to get appointments?
Answer - The Spanish do not have to meet residence requirement, just be working as an aide.
Of the ones that apply, the Career Opportunity Program Advisory Council selected the participants for this program.
Question - How many of the paraprofessionals are Puerto Rican?
Answer - 24 are Puerto Rican.
Question - How many are Mexican-American?
Answer - 24 are Mexican-American. 3 from other Spanish ethnic background.

Question 6. "Does ranked eligibility prevent a principal or community superintendent from hiring bilingual teachers?"

Teachers are hired by the Bureau of Teacher Personnel. Recommendations from principals and district superintendents are honored if they are in line with assignment procedures. Presently, at the high school level only, it may be possible that a bilingual teacher would be prevented from being hired because of a surplus of teachers - those ahead of that teacher on an Eligible List would have priority.

Question 7. "What is the current teacher turnover rate. Is there a forthcoming year when extra retirement may be expected to increase the numbers."

Approximately 3000 teachers leave the Chicago Public Schools each year. There are presently no new retirement laws proposed which may affect the current retirement turnover rate. More attractive retirement pensions may cause more teachers in the future to resign before reaching the age of 65.

Question 8. "Give the total number of employees in your Bureau by classification of race and ethnicity."

Bureau of Teacher Personnel -	Hispanic	5
	Black	14
	Caucasian	26

Question 10."Please give the number of Spanish-speaking employees in Federally funded programs as opposed to regular salaried positions.

Personnel position file programs have not as yet been devised in the Department of Systems Analysis which can select this information. Because the nature of many government funded positions have inherent in their guidelines specific recommendations regarding the teacher which address themselves to bilingualness, or that they serve a particular ethnic group, it would be reasonable to assume that many Spanish-speaking employees are incumbent in teaching positions which are government funded.

Question 11. "What is the ethnic composition of the teaching and supervisory staff in Chicago?"

The ethnic composition of the teaching staff:

Spanish Surnamed	1.5%	390
African or Negroid	37.7%	9,746
Caucasian	60.1%	15,546
Other	.8%	172

The ethnic composition of the supervisory staff:

Spanish Surnamed	1.7%	18
African or Negroid	27.5%	285
Caucasian	70.5%	730
Other	.3%	3

Question 12. "If you have to reduce personnel, how will it be done? Why?"

The reduction of staff may take many different directions. Ultimately, however, the amount of continuous satisfactory service in the school system employed on a particular regular certificate is the criterion used for retaining and displacing employees.

Question 13. "Does Union bargaining include and influence in any way school curriculum?"

Union bargaining influences school curriculum insofar as it provides input to Curriculum Guide and Textbook evaluation committees. Also, contractural agreements regarding teacher load and class size also have an indirect effect on curriculum.

Question 14. "Who, on behalf of the Board of Education, has the responsibility of bargaining on such issues as:
a. recruitment
b. transfer of teachers
c. teacher assignments
d. substitute teacher positions

The Employee Relations Committee of the Board of Education has the responsibility of bargaining on such issues as a) recruitment, b) transfer of teachers, c) teacher assignments, d) substitute teacher positions.

Question 15. "How many Puerto Ricans or Spanish-speaking have worked at administrative levels in the last 3 years? In your opinion, can that be considered discrimination against them."

Spanish surnamed administrators during the last three years:

1970	1971	1972
5	9	18

Question 16. "How many vacancies were available for the school year that began on September 1972."
a. how many were filled with Spanish-speaking
b. how many positions were alloted to bilingual programs.

A vacancy is a budgeted educational position where there is no regular certificated teacher incumbent. This position, however, may or may not have an incumbent who is a Full Time Basis Substitute, or a Day-to-Day Substitute. In that context the number of "vacancies" available to be filled at the beginning of September, 1972, was 7070.

a) 50 appointments were made with Spanish-speaking teachers for September 4, 1972.
b) 125 positions were allotted to bilingual programs.

Question 17. "How much of the school budget goes to personnel?"

Approximately 67.3% of the annual budget was allocated for personnel salary for the 1970-1971 school year. These are the latest figures available.

Question 18. "What is the selection and hiring process used for teachers, paraprofessionals and guidance counselors?"

Selection and hiring processes:

Teachers: - When a teacher's name appears on an Eligible List, he is appointed to a vacancy appropriate to that certificate. Other factors taken into consideration are geographical location of teacher and vacancy, race of the teacher, and racial balance of faculty where vacancy exists; percent. of children in the unit where vacancy exists who do not speak English as a first language, and whether teacher being considered is bilingual in the language of those children; and any other background information available on the teacher.

Paraprofessionals: - All teacher aides take civil service examinations by district given by and evaluated by the Civil Service Commission of the City of Chicago. The Civil Service Commission prepares the eligible lists by districts. When vacancies occur in a district a request is sent to the Civil Service Commission to call up eligible candidates. Candidate is offered one of the vacancies. The candidate may accept or waive the position.

The Civil Service Commission authorizes the employment of all temporary aides. Temporary aides are employed in special programs that have specific requirements for their aides and selected at the local level. These requirements could not be fulfilled by taking the next person from the eligible list.

Headstart - Early Childhood Education - Income and Residence School Aide - bilingual-Spanish. Model Cities - with specific residence requirements. The Model Cities Advisory Council working with the schools makes their selection and the Department of Personnel processes the paraprofessionals for employment.

Guidance Counselors: Guidance counselors hold certificates issued by the Board of Examiners valid for classroom teaching. After having met state requirements in guidance and counseling and having served for three years in a classroom, they are nominated for counseling positions by the principal. Their credentials are evaluated by the office of Pupil Personnel Services and Special Education, and approved for assignment.

Question 19. "Are your appointments only made from the ranked list? Why?"

Appointments of regular teachers are made from Eligible Lists. Eligible Lists are arranged in rank order. Only at the high school level in certain subject areas are lists unable to be exhausted. Since a test infers a score, a score infers a ranked order. The ranked order then becomes the basis for placement. Teachers who hold temporary certificates are not hired on a rank order.

Question 20. "Will you please comment and state your personal points of view on the case that is challenging the applicant tests?"
a. please state the name of the case?
b. present litigation status?
c. issue in controversy?
d. position of the Department of Personnel?

According to available information there is no current litigation challenging the teacher examination procedure utilized by the Board of Examiners.

RCP:r

Prepared by:

Raymond C. Principe
Director
Bureau of Teacher Personnel

Approved:

Otho M. Robinson
Assistant Superintendent
Department of Personnel

APPENDIX D

Correspondence with the Department of Health, Education, and Welfare, Office for Civil Rights, Region V

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
REGION V
300 SOUTH WACKER DRIVE
CHICAGO, ILLINOIS 60606

OCT 2 1973

September 25, 1973

OFFICE OF
THE REGIONAL DIRECTOR
312/353-7746

Mr. Clark G. Roberts
Regional Director
U.S. Commission on Civil Rights
219 South Dearborn Street, Room 1428
Chicago, Illinois 60604

Dear Mr. Roberts:

Your letter of September 24, 1973, along with your prior correspondence concerning this Office's activity in the City of Chicago, has been referred to me by the Regional Civil Rights Director for reply. Ms. Kathleen Whalen of our staff has already provided Mr. Frank Steiner of your staff with the requested information relating to a cursory analysis of the EMR/Special Education situation in Chicago.

You have now indicated interest in the "chronology of the relations between your office and the Department of Justice as it regards civil rights enforcement roles in the Chicago public schools". This Office has not conducted a Title VI investigation of the Chicago Public School District since the Office was staffed in 1968. Further, we have not investigated complaints made by individuals or groups concerning Chicago. In November of 1970, the Regional Civil Rights Director and the Education Branch Chief met with the Chief of the Justice Department's Education Section in Washington. The purpose of that meeting was to ascertain if OCR activity in the Chicago Public School District would be counter-productive to the total Federal effort. It was decided that if OCR were to be concurrently involved, along with the Justice Department, the Chicago School District would possibly at some point be faced with conflicting directions from two different Federal Departments attempting to insure compliance with Federal civil rights laws.

On the other hand, we did conduct an Emergency School Aid Act review of the Chicago Public School District in May of 1973. That review was conducted consistent with our responsibility to review the civil rights related assurances given by school districts which applied for

funding under ESAA. We initially determined that Chicago could not be funded under ESAA because the District had assigned full-time classroom teachers to schools in such a manner as to identify some of such schools as intended for students of a particular race, color, or national origin. Subsequently, the ESAA Regulations, relating to the assignment of faculty provisions, were revised. Nevertheless, we were again forced to conclude that the Chicago Public School District could not qualify for ESAA because of the assignment and projected assignment of full-time classroom teachers in the district.

I would suggest that you contact Mr. Brian Lansberg, Chief, Education Section, Civil Rights Division, Department of Justice, for information concerning the civil rights enforcement role of the Justice Department in the Chicago Public School District.

If clarification or additional information is needed, please let me know.

Sincerely,

Lawrence P. Washington
Acting Chief,
Elementary & Secondary Education Branch

cc: Kenneth A. Mines
Regional Civil Rights Director

Brian Lansberg
Chief, Education Section
Civil Rights Division
Department of Justice
550 11th Street N.W., Room 938
Washington, D. C. 20530

APPENDIX E

Illinois Regulations for Review of Special Education Placements

STATE OF ILLINOIS
OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION
Michael J. Bakalis, Superintendent

RULES AND REGULATIONS
To Govern the Administration and Operation
of
SPECIAL EDUCATION

(EXCERPTS)

(Filed pursuant to Chapter 122,
Article XIV, Illinois Revised Statutes, 1971)
Effective July 1, 1973

REVIEW OF EDUCATIONAL PLACEMENT

ARTICLE XI

11.01
The right to a review of the educational placement of an individual child shall be available to the parents or guardians of all children who have exceptional needs, including children for whom the school has recommended special education placement, children who have been declared ineligible for special education services, children whose needs have been identified outside the educational system, and children whose parents believe they require special education services.

11.02
The request for a review of the educational placement of a child shall be made to the superintendent of the school district wherein the child resides.

11.03
The review at the local level shall occur as soon as possible but within fifteen (15) calendar days of the request.

11.04
The review shall be in the form of a conference between the parents, their representatives, the special education administrators, the principal authors of the placement decision, and appropriate local district personnel.

1. The superintendent of the child's home district or any designated district administrator other than special education personnel shall act as chairman of the conference.

2. The chairman shall give the parties to the review at least five (5) calendar days' notice of a conference date.

3. The chairman shall keep order, receive documents and, in general, conduct an orderly proceeding.

11.05
The review shall seek to establish any or all of the following:

1. That the child has needs which require special education services

2. That the evaluation procedures utilized in determining the child's needs have been appropriate in nature and degree

3. That the diagnostic profile of the child on which the placement decision was based is substantially verified

4. That the proposed placement is directly related to the child's educational needs.

11.06
Prior to the conference, the parents may request a professional worker of their choice and at their expense (including legal counsel) to meet with the appropriate

school personnel to discuss the reasons for the placement. The information on which the placement decision was made shall be made available for examination by the parents or their representatives, with the following exceptions:

1. Personal observations which, in the opinion of the superintendent of the local school district, would have no direct bearing on placement shall not be available for examination nor shall they be introduced at the review conference.

2. Test instruments and raw data shall be reviewed only by a professional worker of like discipline.

11.07
A typewritten record of the conference shall be made by a court reporter who shall be paid by the district. In lieu of a court reporter, a tape recorder, followed by a typewritten transcript, may be used. The school district representative and the the parents must sign the typewritten transcript.

11.08
At the conference, representatives of the school shall first present their findings and the reason for the proposed placement. This presentation may include verbal reports, the written record of the multidisciplinary conference at which the educational plan was developed, and any other information deemed relevant. The parents and their representatives may question school personnel about the information which has been presented. The rules of evidence shall not apply to the conference.

11.09
The parents and their representatives may then present appropriate witnesses, reports of tests taken, and other facts which they may deem relevant. School personnel may subsequently question the information presented by the parents and their representatives.

11.10
After considering the facts as presented at the conference, the school officials shall recommend to the parents an affirmance of the placement decision, a denial of the decision of placement, or alternative procedures to meet the educational needs of the child, which may include further evaluation.

11.11
Such decision shall be communicated to the parents or guardians by certified mail within four (4) calendar days of the completion of the conference. The letter shall include the reasons for the decision.

11.12
The notice of the decision shall also inform the parents of their rights to a review of the placement decision by the Office of the Superintendent of Public Instruction. The request for a state-level review must be made in writing to the district superintendent within five (5) school days of the receipt of the local review decision. The school district shall provide the parents with a request form to facilitate this process.

11.13
By mutual agreement and for good cause, the time to request a state-level review may be extended to thirty (30) calendar days.

11.14
After the receipt of a request for a state-level review, the district shall prepare a transcript of the local review, to include copies of all documents introduced at the conference. Copies of the transcript shall be mailed to the parents and to the Legal Division of the Superintendent of Public Instruction within seven (7) calendar days of the request for review.

11.15
A request for a review by the Office of the Superintendent of Public Instruction shall stay any special education placement until the review has been determined, unless the parents and school personnel mutually agree to continue a placement which has already been effected.

11.16
Upon the receipt of the request for a state level review of an educational placement, the Superintendent of Public Instruction shall designate an impartial reviewing officer, who shall be an employee of the Office of the Superintendent of Public Instruction.

11.17
The reviewing officer shall examine the placement based upon a study of the transcript. He may request further information, either by oral testimony or in writing, and whatever technical assistance he deems necessary.

11.18
The review by the hearing officer shall be held within ten (10) calendar days of the receipt of the transcript. A report of the review shall be submitted to the Superintendent of Public Instruction, who shall decide the matter within thirty (30) calendar days of the date that the transcript is received. The Superintendent of Public Instruction may dismiss any review he deems lacking in substance.

11.19
The local school district shall be responsible for implementing the decision of the Superintendent of Public Instruction.